



**CITY COUNCIL AGENDA  
CITY HALL, 291 N. MAIN STREET, PORTERVILLE, CA 93257  
AND 1033 HILGARD AVENUE, #219, LOS ANGELES, CA 90024  
MARCH 6, 2018, 5:30 PM**

Call to Order  
Roll Call

**ORAL COMMUNICATIONS**

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

- 1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Porterville Peace Officers Association.
- 2 - Government Code Section 54956.95 – Liability Claim: Claimant: Eugenia Rodriguez. Agency claimed against: City of Porterville.
- 3 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not yet known to potential plaintiff.
- 4 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

**6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON  
REPORTABLE ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Vice Mayor Brian Ward  
Invocation

**PRESENTATIONS**

Employee Service Awards  
South County Justice Center Update  
Burton School District's Apple Distinguished Schools  
Leadership Porterville Drought Garden Demonstration Update

**AB 1234 REPORTS**

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Task Force on Homelessness - February 21, 2018
2. Tulare County Association of Governments (TCAG) - February 26, 2018
3. Joint City/School Committee - February 26, 2018
4. Tulare County Economic Development Corp. (TCEDC) - February 28, 2018
5. Eastern Tule Groundwater Sustainability Agency (GSA) - March 1, 2018

## **REPORTS**

### **I. Staff Informational Reports**

1. U.S. Fish and Wildlife Service Grant for the Tule River Parkway

## **ORAL COMMUNICATIONS**

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

## **CONSENT CALENDAR**

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. **City Council Minutes of October 17, 2017, February 6, 2018, and February 20, 2018**  
Re: Considering approval of the draft minutes of October 17, 2017, February 6, 2018, and February 20, 2018.
2. **Specialized Equipment Repair - Pillar Air Blower Programming**  
Re: Considering approval of the repair of a Pillar Air Blower by Pillar TSC Blower Corporation for a do not exceed amount of \$11,945.00.
3. **Authorization to Operate Fare Free Shuttle Service to the Porterville Fair and Porterville Freedom Fest, and Authorization to Contract with Pyro Spectaculars, Inc. for the Freedom Fest**  
Re: Considering approval to operate a shuttle route from the downtown Transit Center to the Porterville Fairgrounds from May 10 through May 12, 2018, and to the Porterville Freedom Fest on June 30, 2018; and authorization of a \$22,000 expenditure to Pyro Spectaculars, Inc. for the 2018 Freedom Fest fireworks show.
4. **Authorization to Issue Request for Proposals (RFP) for the Engineering Services for Plans and Specifications Digester #3 Repair and Rehabilitation Project, and On-Call Inspection Service for Wastewater Treatment Facility (WWTF) Digesters**  
Re: Considering acceptance of Proposals/Qualifications in draft form; and authorization to distribute the Request for Proposals/Qualifications to consulting firms as specified in the policy.
5. **On-Call Sales Tax Consulting Agreement with Robert E. Cendejas**  
Re: Considering approval of an on-call sales tax consultant agreement for special projects with Robert E. Cendejas.
6. **Approve SCE Conversion from HPSV to LED Streetlighting**  
Re: Considering approval of an LS-1 Option E Agreement with Southern California Edison to replace high pressure sodium vapor (HPSV) streetlights with light-emitting device (LED) streetlights.
7. **Approval for Community Civic Event - Porterville Breakfast Rotary Club - Cancer Center Run and Walk - May 5, 2018**  
Re: Considering approval of an event to take place at Granite Hills High School on Saturday, May 5, 2018, from 6:00 a.m. to 11:00 a.m.

*A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible*

## **PUBLIC HEARINGS**

8. **Request for a Conditional Use Permit (PRC 2018-007-C) to allow for the sale of alcohol for Mariscos El 30 restaurant, located at 58 E. Mill Avenue**  
Re: Consideration of a resolution to allow the sale of beer and wine under an on-sale license in conjunction with the serving of meals at 58 East Mill Avenue.

#### **SCHEDULED MATTERS**

9. **Mandatory Commercial Recycling Program (MCR) and Mandatory Commercial Organics Recycling Program (MORE) Implementation Plan**  
Re: Considering approval to move forward with the 12 month plan proposed by CalRecycle to ensure compliance with AB 341 and AB 1826 requirements.
10. **Status and Review of Declaration of Local Emergency**  
Re: Consideration of the continuance of the Declaration of Local Emergency.

#### **ORAL COMMUNICATIONS**

#### **OTHER MATTERS**

#### **CLOSED SESSION**

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

#### **ADJOURNMENT** - to the meeting of March 20, 2018.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at [www.ci.porterville.ca.us](http://www.ci.porterville.ca.us).



## CITY COUNCIL AGENDA – MARCH 6, 2018

SUBJECT: 1. U.S. Fish and Wildlife Service Grant for the Tule River Parkway

SOURCE: Parks and Leisure Services

COMMENT: The City of Porterville, in partnership with the Tule River Parkway Association and the California Native Plant Society, plans to submit an application for a U.S. Fish and Wildlife Service grant. The project scope consists of providing a set of demonstration models of low water use California native plant gardens that would use 80% less water than a typical residential garden.

The project will recruit community groups and businesses to learn about, and subsequently plant demonstration gardens. The plan is also to heavily involve local high schools in the planning, construction, and maintenance of the gardens. These gardens will incorporate the surrounding native vegetation and enhance the existing native plant pallet with California native plants designed to support birds, butterflies, and bees. The goal of these gardens is to draw more people to the natural environment of the river corridor while providing models of garden alternatives.

If the application is successful, the City will receive \$25,000 from the U.S. Fish and Wildlife Service, and would be obligated to provide a \$25,000 match for a total project cost of \$50,000. The City's matching portion would come from in-kind staff hours, The Tule River Parkway Association, and other grant funds to be determined. Projects are to be completed within three years of the grant award. The finished project would improve diversity of the native vegetation, and provide through signage and demonstration gardens, an alternative to current front yard norms.

RECOMMENDATION: Information only

ATTACHMENTS:

Appropriated/Funded:

Review By:

Department Director:

Donnie Moore, Parks and Leisure Services Director

Final Approver: John Lollis, City Manager





## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** City Council Minutes of October 17, 2017, February 6, 2018, and February 20, 2018

**SOURCE:** Administrative Services

**COMMENT:** Staff has prepared the draft Minutes of October 17, 2017, February 6, 2018, and February 20, 2018, for the Council's review and consideration.

**RECOMMENDATION:** That the Council approve the draft Minutes of October 17, 2017, February 6, 2018, and February 20, 2018.

**ATTACHMENTS:**

1. Draft Minutes of 10-17-2017
2. Draft Minutes of 02-06-2018
3. Draft Minutes of 02-20-2018

Appropriated/Funded:

Review By:

Department Director:

Patrice Hildreth, Administrative Services Dir

Final Approver: Patrice Hildreth, Administrative Services Dir

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
OCTOBER 17, 2017, 5:30 PM**

Called to Order at 5:33 p.m.

Roll Call: Council Member Reyes, Council Member Hamilton, Council Member Flores,  
Vice Mayor Ward, Mayor Stowe

The Council adjourned to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

**JOINT CITY COUNCIL/SUCCESSOR AGENCY TO THE  
PORTERVILLE REDEVELOPMENT AGENCY AGENDA  
291 NORTH MAIN STREET, PORTERVILLE, CA 93257  
OCTOBER 17, 2017**

Called to Order at 5:34 p.m.

Roll Call: Agency Member Reyes, Agency Member Hamilton, Agency Member Flores,  
Vice Chair Ward, Chair Stowe

**ORAL COMMUNICATIONS**

None

**JOINT CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION:**

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 14 N. Main Street, Porterville, CA. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Successor Agency to the Porterville Redevelopment Agency. Under Negotiation: Terms and Price.

During Closed Session, the Joint City Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

**CITY COUNCIL CLOSED SESSION:**

B. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 271-060-027. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Che Johnson, Matt Pierce, and Patrice Hildreth. Employee Organizations: Porterville City Firefighters Association, Fire Officer Series, and Porterville Peace Officers Association.

3 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning correspondence dated August 28, 2017 from the Law Offices of Melo and Sarsfield regarding a notice of violation of the California Voting Rights Act; and one case in which facts are not yet known to potential plaintiff.

4 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

### **6:30 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew reported that no reportable action had taken place.

The Pledge of Allegiance was led by Mayor Stowe.  
Invocation -- the Mayor participated.

### **PROCLAMATIONS**

Friends of the Library Week - October 15-21, 2017

### **AB 1234 REPORTS**

1. Local Agency Formation Commission (LAFCO) - October 11, 2017  
Council Member Hamilton reported on adoption of findings pertaining to the annexation of 21.6 acres to the City of Visalia, and the cancellation of the November 1st meeting.
2. Tulare County Association of Governments (TCAG) - October 16, 2017  
Council Member Flores reported on adoption of resolutions and informational items pertaining to transportation; and provided an update of transportation projects in the Porterville area.

### **REPORTS**

#### **I. City Commission and Committee Meetings**

1. Parks & Leisure Services Commission - October 5, 2017  
Commissioner Moore reported on completion of the Zalud Park Project, Pioneer Days & Rib Cook-Off, The Zalud House Ghoulish Garden, and Paranormal Tours; and thanked the Council for allowing him to serve on the Commission the past eight years.
2. Library & Literacy Commission - October 10, 2017
3. Arts Commission - September 27, 2017  
Commissioner Cubiascanas introduced herself; reported on the selection of herself as chair and Commissioner Serna as vice chair of the commission; and spoke of discussion regarding goals. Vice Chair Serna, and Commissioners Serrano, Gonzalez and Perkins also introduced themselves.
4. Animal Control Commission - October 9, 2017

Commission Chair Pizanis and Vice Chair Penaloza presented animal control statistics.

5. Youth Commission - October 9, 2017

Youth Commissioners for the 2017-2018 year Amy Alarcon, Mariela Rivas, Jackie Garabay, Jake Buckley, Graciela Aguilar, and Joanna Lopez Sanchez introduced themselves to the Council.

6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Water Conservation Phase III Status Update

2. Community Fall Clean-Up Event

**ORAL COMMUNICATIONS**

None

**CONSENT CALENDAR**

There were no items pulled from the Consent Calendar for discussion.

**COUNCIL ACTION:** MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1 through 7. The motion carried unanimously.

1. WASTEWATER TREATMENT FACILITY PURCHASE OF SPECIALIZED EQUIPMENT INLINE DISINTEGRATOR

Recommendation: That City Council:

1. Award the Purchase of Specialized Equipment Inline Disintegrator to Franklin Miller for a do not exceed amount of \$19,000;
2. Direct the Finance Director to initiate a Purchase Order to Franklin Miller in an amount not to exceed \$19,000; and
3. Direct Finance Director to make payment to Franklin Miller upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 01-101717

Disposition: Approved.

2. FACILITY USE AGREEMENT FOR HAYES FIELD BETWEEN THE CITY OF PORTERVILLE AND PORTERVILLE GIRLS FASTPITCH

Recommendation: That the City Council approve the agreement with Porterville Girls Fastpitch and authorize and direct the Mayor to execute the same.

Documentation: M.O. 02-101717

Disposition: Approved.

3. UPDATE TO OUT-OF-STATE TRAVEL - GREENPOWER ELECTRIC TRANSIT BUSES IN-PLANT INSPECTIONS

Recommendation: That the City Council approve an out-of-state travel request to allow Field Services Shop Superintendent Russell Isom and Transit Manager Richard Tree to perform in-plant inspections on GreenPower electric transit buses in Xiamen, China at an estimated cost of \$16,000 to be reimbursed by grant funds.

Documentation: M.O. 03-101717

Disposition: Approved.

4. AUTHORIZATION OF STREET CLOSURE FOR THE CITY OF PORTERVILLE LIBRARY'S INTERNATIONAL GAMES DAY

Recommendation: That the City Council authorize the street closure of Thurman Avenue between Hockett Street and Division Street from 9:00 a.m. to 6:00 p.m. for the City of Porterville Library's International Games Day.

Documentation: M.O. 04-101717

Disposition: Approved.

5. INTENT TO SET PUBLIC HEARING FOR THE VACATION OF EASEMENTS - SUMMIT ESTATES 2, PHASE 1

Recommendation: That the City Council:

1. Pass a resolution of intent to vacate the City of Porterville's blanket easement and storm drain easement on the site for Summit Estates Two, Phase 1;
2. Direct the City Clerk to publish the Public Notice in the Porterville Recorder; and
3. Set the Council meeting of November 7, 2017, as the time and place for a public hearing.

Documentation: Resolution No. 61-2017

Disposition: Approved.

6. RESOLUTION AUTHORIZING AND APPROVING THE PURCHASE AND SALE AGREEMENT WITH CZEM PARTNERS LLC, JLH PROPERTIES LLC, AND THE TOLLIDAY FAMILY TRUST FOR PROPERTY ALONG POPLAR AVENUE, SOUTH AND ADJACENT TO APN 260-300-028 AND APN 260-300-029

Recommendation: That the City Council adopt a resolution for the sale of excess land and authorize the Mayor and City Manager to sign all necessary documents to complete the sale of the property.

Documentation: Resolution No. 62-2017  
Disposition: Approved.

7. REQUEST FOR PROCLAMATION - THE PORTERVILLE ELKS LODGE #1342  
-100TH ANNIVERSARY

Recommendation: That the City Council consider approval of the request for a proclamation in recognition of the 100 year anniversary of Porterville Elks Lodge #1342.

Documentation: M.O. 05-101717  
Disposition: Approved.

**PUBLIC HEARINGS**

8. BUDGET ADJUSTMENT/CITIZENS' OPTION FOR PUBLIC SAFETY (COPS)  
FUNDING

Recommendation: That the City Council:

1. Conduct the public hearing to receive public comment;
2. Authorize use of these funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and
3. Adopt the draft resolution approving a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000 to support said costs.

City Manager Lollis introduced the item, and Police Chief Eric Kroutil presented the staff report.

The Public Hearing opened at 7:12 p.m.

- Barry Caplan spoke of previous requests for training records of officers.

The Mayor invited citizens to join the Citizen's Police Academy in order to learn about the fundamentals of the Police Department.

**COUNCIL ACTION:** MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council approve use of COPS funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and adopt the draft resolution approving a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000 to support said costs. The motion carried unanimously.

Documentation: Resolution No. 63-2017  
Disposition: Approved.

The Council took a 5 minute recess.

9. PUBLIC HEARING CONCERNING AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL AMENDING SECTIONS 700.01, 700.02 AND 701.02, AND REPEALING AND REPLACING SECTION 301.23 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING PERSONAL CULTIVATION AND USE OF CANNABIS, AND PROHIBITION OF COMMERCIAL CANNABIS ACTIVITIES

Recommendation: This office recommends that the City hold a public hearing on the draft ordinance, and consider approval of the first reading of the Ordinance.

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report.

The Public Hearing opened at 7:28 p.m.

- Jeff Faure made comments pertaining to restrictions on cooperatives or collectives and the six plant minimum; and asked for the Council to consider allowing up to 20 plants per person to accommodate medical marijuana users.
- Rocky Scolor inquired about current medical cannabis permits issued, and stated that he needed more than the proposed six plants to provide medicine for he and his wife.

Mayor Stowe closed the Public Hearing at 7:34 p.m.

City Attorney Lew addressed comments made regarding cooperatives and provided updated definitions. Discussion followed regarding the number of existing medical marijuana permits, and the levels of existing permits, some of which would be expiring soon.

Council Member Hamilton made a motion to approve, which was seconded by Council Member Flores. Following the motion, it was suggested that those with existing permits who were in compliance be granted an extension, and the Council took a 10 minute recess at 7:40 p.m. to allow City Attorney Lew and staff the opportunity to draft appropriate language.

Following the break, City Attorney Lew read the proposed language. Council Member Hamilton amended his motion to include the new language, and Council Member Flores accepted the amendment.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve first reading of Ordinance No. 1843, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 700.01, 700.02 AND 701.02 OF THE PORTERVILLE MUNICIPAL CODE, AND REPEALING AND REPLACING SECTION 301.23 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING PERSONAL CULTIVATION AND USE OF

CANNABIS, AND PROHIBITION OF COMMERCIAL CANNABIS ACTIVITIES, as amended to include, “Furthermore, all holders of active cultivation permits, who are in full compliance with said permits, issued under former section 301.23 and due to expire in 2017, shall be allowed an additional one year permit expiring in December 31, 2018, for twelve (12) plants in compliance with former section 301.23.”

AYES: Reyes, Hamilton, Flores, Stowe  
NOES: Ward  
ABSTAIN: None  
ABSENT: None

The ordinance was read by title only.

Documentation: Ordinance No. 1843

Disposition: Approved.

10. PUBLIC HEARING ON THE ESTABLISHMENT OF BY-DISTRICT ELECTION BOUNDARIES FOR THE PORTERVILLE CITY COUNCIL

Recommendation: That the City Council conduct a public hearing to receive public input for criteria in the drafting of district boundary maps.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report.

The Public Hearing opened at 7:55 p.m.

- Brock Neeley provided procedural regulations and recommended a citizen Ad Hoc Committee.
- Barry Caplan, Porterville, spoke of growth and suggested increasing the number of Council representatives.
- Renee Curtley, Lombardi area resident, spoke in favor of by-district elections and spoke of her dissatisfaction with the construction of Summit Charter Lombardi Campus.

The Public Hearing closed at 8:01 p.m.

Members of the Council spoke of disadvantages of by-district versus at large representation on the Council.

Documentation: None

Disposition: No action required.

**SCHEDULED MATTERS**

11. CONSIDERATION OF APPOINTMENTS TO CITY COMMISSIONS



Recommendation: That the City Council consider the appointment of up to three individuals to the Parks and Leisure Services Commission to terms ending in October of 2021, and one individual to the Arts Commission for a term to expire in July of 2019.

City Manager Lollis introduced the item, and Administrative Services Director Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve the appointment of Kieran Daly, Philip Duncan, Diane Graybehl, and Janet Uresti to the Parks and Leisure Services Commission to terms expiring in October 2021, and Emily Luna to the Animal Control Commission to a term expiring in July 2019. The motion carried unanimously.

Documentation: M.O. 06-101717

Disposition: Approved.

## 12. TULARE COUNTY ECONOMIC DEVELOPMENT CORPORATION (TCEDC) PRESENTATION AND REVIEW

Recommendation: That the City Council receive a presentation from the Tulare County Economic Development Corporation (TCEDC), and review its participation in the TCEDC.

City Manager Lollis introduced the item and presented the staff report. Mr. Paul Saldana, President of the TCEDC, addressed the Council and presented a status report and update on the TCEDC. Council and Staff went on to discuss how the TCEDC benefits the County of Tulare and the City of Porterville. The Council communicated its reservations about paying the TCEDC when the City had its own Economic Development Department it could invest more in, and asked if there was a deadline to come to a decision regarding the City's participation in the TCEDC.

Documentation: None

Disposition: No action required.

## 13. STATUS OF PROFESSIONAL SERVICES AGREEMENTS FOR TRANSIT SERVICES

Recommendation: That City Council:

1. Implement Option 2 by authorizing staff to issue Requests for Proposals; and
2. Authorize month to month service up to June 30, 2018 so as to compensate for issues that may arise during the solicitation process.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report, and amended the Staff's Recommendation to include a third option, as follows:

3. Extend the operations of maintenance contract with Sierra Management Inc., to coincide with the active Air Resource's Board Grant, which will cease on June 30, 2020, maintain all aspects of the current agreement, except for the right to further extend the contract, and authorize Staff to issue Request for Proposals on January 1, 2020.

Council Member Hamilton expressed his support of the third option, while Vice Mayor Ward expressed his support of the first option. City Attorney Lew gave the reasons why she would advise not going with the first option and explained that the Council could approve option 3 with a five-year extension.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Vice Mayor Brian Ward that the City Council approve Option 3, with an amendment to extend the contract for five years. The motion carried unanimously.

Documentation: M.O. 07-101717

Disposition: Approved.

#### 14. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

City Manager Lollis introduced the item and presented the staff report. He also alerted the Council about the Department of Water Resources' desire to revisit the agreement and add additional water connections to the Akin Agreement.

Mayor Stowe left the dais momentarily, and was therefore not present for the vote.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

AYES: Reyes, Hamilton, Flores, Ward

NOES: None

ABSTAIN: None

ABSENT: Stowe

Documentation: M.O. 08-101717

Disposition: Approved.

Mayor Stowe returned to the dais during Oral Communication comments.

### **ORAL COMMUNICATIONS**

- Brock Neeley, Porterville, stated that he was appointed to the hospital redistricting committee; and spoke in favor of increasing marketing when business was down.
- Will Lloyd, Porterville, spoke of the screening of a movie that was filmed in town to occur on Wednesday night at Galaxy 9 Theaters, and extended an invitation to everyone in attendance.

### **OTHER MATTERS**

- Council Member Flores spoke of her attendance at the Chamber Business Expo and Porterville College Anniversary events.
- Council Member Hamilton spoke of his attendance at Pioneer Days & Rib Cook-Off, and of the movie to be screened the following night.
- Council Member Ward spoke of his participation in school and church activities.
- Council Member Reyes stated that he attended the Business Showcase and Butterfield Stage Days; and spoke of the naming of Porterville.
- Mayor Stowe reported on his attendance at the Veterans Trail Dedication and thanked all involved; spoke of the recent death of local Heidi Gutierrez; and encouraged men and women to get cancer screenings.

### **CLOSED SESSION**

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.  
Non

### **ADJOURNMENT**

The Council adjourned at 9:12 p.m. to the meeting of October 24, 2017.

SEAL

\_\_\_\_\_  
Luisa M. Zavala, Deputy City Clerk

\_\_\_\_\_  
Brian E. Ward, Vice Mayor

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
FEBRUARY 6, 2018, 5:30 PM**

Called to Order at 5:33 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council Member  
Cameron Hamilton, Mayor Stowe

Absent: Vice Mayor Brian Ward

**ORAL COMMUNICATIONS**

None

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

**1** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organization: Porterville Peace Officers Association.

**2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 256 East Orange Avenue, Porterville, CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.

**3** - Government Code Section 54956.8 -- Conference with Real Property Negotiators/Property: 255-190-022. Agency Negotiators: John Lollis and Mike Reed. Negotiating Parties: City of Porterville and Greg L. and Cinda D. Woodard. Under Negotiation: Terms and Price.

**4** - Government Code Section 54956.95 – Liability Claim: Claimant: Misty Renteria. Agency claimed against: City of Porterville.

**5** - Government Code Section 54956.95 -- Liability Claim: Claimant: Danny Neilson, and State Fund as Subrogee for Danny Neilson. Agency claimed against: City of Porterville.

**6** - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Boehm v. City of Porterville, Tulare County Superior Court Case No. 271932.

**7** - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not yet known to potential plaintiff.

**8** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

**9** - Government Code Section 54957.6 -- Conference with Labor Negotiator. Agency Negotiator: Mayor Stowe. Unrepresented Employee: City Attorney.

**6:35 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew reported action pertaining to A-4 and A-5, as follows:

- A-4. On a MOTION made by Council Member Martha A. Flores, and SECONDED by Council Member Cameron Hamilton, the City Council unanimously rejected the liability claim submitted by Misty Renteria.

Documentation: M.O. 01-020618

Disposition: Claim rejected.

- A-5. On a MOTION made by Council Member Cameron Hamilton, and SECONDED by Council Member Martha A. Flores the City Council unanimously rejected the liability claims submitted by Danny Neilson, and State Fund as Subrogee for Danny Nielson.

Documentation: M.O. 02-020618

Disposition: Claims rejected.

Pledge of Allegiance Led by Council Member Martha A. Flores  
Invocation -- one individual participated.

### **PRESENTATIONS**

Employee of the Month - Aileen Andrews

### **AB 1234 REPORTS**

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. TULARE COUNTY TASK FORCE ON HOMELESSNESS - JANUARY 17, 2018  
Council Member Hamilton reported on his appointment as Vice Chair and discussion pertaining to expansion of Visalia's Urban Development Boundary.
2. COUNCIL OF CITIES - JANUARY 17, 2018  
City Manager Lollis reported on Council Member Hamilton's appointment as alternate for Transportation position on TCAG, and updates regarding SB649.
3. SJVAPCD GOVERNING BOARD - JANUARY 18, 2018  
Council Member Reyes reported on receipt of results from a wood burning survey, the District's legislative platform, and funding available.
4. TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) - JANUARY 22, 2018  
Council Member Flores reported on action items, informational items, legislative updates, upcoming One Voice trip, and the next meeting on February 26th in Woodlake
5. TULARE COUNTY ECONOMIC DEVELOPMENT CORP. (TCEDC) - JANUARY 24, 2018  
Council Member Reyes reported on the appointment of new member Bob Riding from PG&E, and a report on the investment fund.
6. 2018 TULARE COUNTY LOCAL MOTION AWARDS - JANUARY 25, 2018  
Council Member Flores reported on awards received for Outstanding Transit Project and Bike/Pedestrian Project; and recognized Community Development Director Jenni Byers, Acting Public Works Director Mike Reed, Transit Manager Rich Tree, and

Economic Development and Housing Manager Jason Ridenour for their efforts on the projects.

7. LOCAL AGENCY FORMATION COMMISSION (LAFCO) - JANUARY 31, 2018  
Council Member Hamilton reported on his appointment as Vice Chair and discussion pertaining to expansion of Visalia's Urban Development Boundary.
8. SJV SPECIAL CITY SELECTION COMMITTEE MEETING - JANUARY 31, 2018  
Council Member Reyes reported on the appointment of Drew Bessinger to the Governing Board; and stated that he had brought calendars that he would make available.

## **REPORTS**

### **I. Staff Informational Reports**

1. PORTERVILLE OHV PARK 2ND QUARTER FY 2017/2018
2. PORTERVILLE GOLF COURSE 2ND QUARTER FY 2017/2018
3. BUILDING PERMIT ACTIVITY - 2ND QUARTER FY 2017/18
4. STREET PERFORMANCE MEASURE - 2ND QUARTER REPORT (OCTOBER, NOVEMBER, DECEMBER)
5. REPORT ON CHARITABLE CAR WASHES
6. CODE ENFORCEMENT QUARTERLY REPORT
7. CITY COMMISSION & COMMITTEE ATTENDANCE REPORT - 2ND QUARTER FY 2017/2018

## **ORAL COMMUNICATIONS**

- Vince Salinas, Visalia, Chair of the Latino Political Action Committee of Tulare County, spoke of the history of DACA and requested that the Council consider a resolution in support of DACA residents in the Visalia/Porterville area.

## **CONSENT CALENDAR**

There were no items pulled from the Consent Calendar for discussion.

**COUNCIL ACTION:**      MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1 through 12. The motion carried unanimously.

AYES:            Reyes, Flores, Hamilton, Stowe  
NOES:            None  
ABSTAIN:        None  
ABSENT:        Ward

1.      CITY COUNCIL MINUTES OF NOVEMBER 7, 2017 AND DECEMBER 19, 2017

Recommendation:    That the Council approve the draft Minutes of November 7, 2017 and December 19, 2017.

Documentation:        M.O. 03-020618

Disposition:    Approved.

2. RECLAMATION AREA EXTRACTION WELL REPAIR

Recommendation: That City Council:

1. Award the repair of the extraction well to Valley Pump and Dairy Systems for a do not exceed amount of \$54,793.04 which includes taxes and ten percent contingency;
2. Direct the Finance Director to initiate a Purchase Order to Valley Pump and Dairy Systems in an amount not to exceed \$54,793.04; and
3. Direct the Finance Director to make payment to Valley Pump and Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 04-020618

Disposition: Approved.

3. AUTHORIZATION TO PROCURE LABOR AND MATERIALS THROUGH AN OPEN MARKET PROCESS TO COMPLETE THE HVAC REPLACEMENT AND REROOF PROJECTS FOR FIRE STATION #2

Recommendation: That City Council:

1. Adopt the Resolution Authorizing the Procurement of Bids through an Open Market Process for the Reroof and HVAC Replacement Projects at Fire Station #2; and
2. Authorize staff to make payments up to 100% upon satisfactory completion of all work.

Documentation: Resolution No. 03A-2018

Disposition: Approved.

4. AUTHORIZATION TO REJECT ALL PROPOSALS AND PROCEED WITH A FORMAL BID PROCESS - 87 SOUTH G STREET DEMOLITION

Recommendation: That City Council:

1. Reject all proposals;
2. Authorize staff to proceed with a formal bid process for the demolition of the structures; and
3. Authorize the Finance Director to appropriate the funds for the commencement of the Demolition project.

Documentation: M.O. 05-020618

Disposition: Approved.

5. AMENDMENT TO DEE JASPAR & ASSOCIATES SERVICE AGREEMENT - UPDATE CITY OF PORTERVILLE'S WATER SYSTEM HYDRAULIC ANALYSIS

Recommendation: That the City Council:

1. Authorize the Mayor to execute Addendum No. 4 to Dee Jaspar and Associates Service Agreement at an agreed upon fee of \$8,900 for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

Documentation: M.O. 06-020618

Disposition: Approved.

#### 6. APPROVAL OF SPORTS COMPLEX CONCESSION LICENSE

Recommendation: That the City Council approve the concession license with South Valley Chivas Academy for the Sports Complex Fall/Winter 2018.

Documentation: M.O. 07-020618

Disposition: Approved.

#### 7. AUTHORIZATION TO TRAVEL OUT OF STATE

Recommendation: That the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.

Documentation: M.O. 08-020618

Disposition: Approved.

#### 8. COMMUNITY CLEANUP EVENTS

Recommendation: That City Council:

1. Declare April 21, 2018, "Spring Clean-Up Day" and October 20, 2018, "Fall Clean-Up Day";
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter, and yard clippings delivered by City residents receiving City residential refuse service to the Spring and Fall Clean-Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating Budget.

Documentation: M.O. 09-020618

Disposition: Approved.

#### 9. INTERIM FINANCIAL STATUS REPORTS



Recommendation: That the City Council accept the interim financial status reports as presented.

Documentation: M.O. 10-020618

Disposition: Approved.

10. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary Report.

Documentation: M.O. 11-020618

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - BOYS AND GIRLS CLUB OF TULARE COUNTY, INC. - LOVE OUR KIDS 5K FUN RUN - MARCH 3, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Boys and Girls Club of Tulare County, Inc., subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 12-020618

Disposition: Approved.

12. REQUEST FOR PROCLAMATION - TEEN DATING VIOLENCE AWARENESS & PREVENTION MONTH - FEBRUARY 2018

Recommendation: That the City Council consider approval of the request to proclaim the month of February 2018, as "Teen Dating Violence Awareness and Prevention Month."

Documentation: M.O. 13-020618

Disposition: Approved.

**PROCLAMATIONS**

Teen Dating Violence Awareness & Prevention Month – February 2018

**PUBLIC HEARINGS**

13. UPDATE TO THE CITY'S URBAN WATER MANAGEMENT PLAN

Recommendation: That City Council conduct the Public Hearing, receive comments, and continue the public hearing to the meeting of February 20, 2018.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report.

The Public Hearing was opened at 7:04 p.m. When no one came forward, the Mayor continued the Public Hearing to February 20, 2018.

Documentation: None

Disposition: Public Hearing continued to February 20, 2018.

#### **SCHEDULED MATTERS**

##### **14. REQUEST FOR DIRECTION RELATED TO RENTAL PROPERTIES**

Recommendation: That the City Council provide direction.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report.

Following the staff report, discussion took place regarding rental ordinances in other cities and varying degrees to which rentals could be regulated. Staff indicated that they had not experienced issues with short-term rentals per se, but spoke of the need to collect Transient Occupancy Tax (TOT) from landlords who collect from renters. Members of the Council spoke in support of licensing, collection of TOT, and dissemination of information pertaining to the City's water regulations; and directed that sample ordinances be brought back for short-term rentals.

Documentation: None

Disposition: Direction given.

##### **15. CONSIDERATION OF A POTENTIAL TAX MEASURE**

Recommendation: That the City Council provide direction to staff concerning whether it wishes to proceed with a tax measure; and if so, direct staff to issue a RFQ for public policy-oriented research firms to conduct citizen polling.

City Manager Lollis introduced the item and presented the staff report.

**COUNCIL ACTION:** MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council direct staff to issue a RFQ for public policy-oriented research firms to conduct citizen polling. The motion carried unanimously.

Documentation: M.O. 14-020618

Disposition: Approved.

##### **16. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY**

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

City Manager Lollis introduced the item and presented the staff report.

**COUNCIL ACTION:** MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 15-020618

Disposition: Approved.

### **ORAL COMMUNICATIONS**

None

### **OTHER MATTERS**

- Council Member Flores spoke of Porterville's recognition as a Gold Level Energy Leader, her attendance at the Swearing in of Tule River Tribal Council members, and stated that she would be judging the Tamale Fest on Saturday.
- Council Member Hamilton expressed disappointment that he would not be judging the tamale contest.
- Council Member Reyes stated that he would be participating in mock interview training at Granite Hills High School; and was asked to congratulate the academic decathlon winners.
- Mayor Stowe spoke of a Stand Up for Cancer event in his honor that took place at Strathmore High School; stated that it had inspired another school to hold a Stand Up for Cancer event; spoke of speaking engagements at Porterville College Foundation Alumni Hall of Fame and Porterville High School's Annual Baseball Banquet; and thanked the Council for their support. He also thanked the Bank of Sierra for its playground donation, and spoke of his attendance at the recent unveiling.
- City Manager Lollis spoke of Vice Mayor Ward's request to consider lighting districts for annexed areas; apologized for its absence on the agenda; and requested that the Council take action to approve it as a Scheduled Matter at the next meeting. He also reminded everyone that Valentine's Day was next Wednesday.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Reyes that the City Council approve the addition of an item to consider lighting districts for annexed areas to the February 20, 2018.

Documentation: M.O. 16-020618

Disposition: Approved.

**COUNCIL ACTION:** MOVED by Mayor Stowe, SECONDED by Council Member Hamilton that the City Council approve the addition of an item considering the proposed DACA resolution.

Documentation: M.O. 17-020618

Disposition: Approved.

**CLOSED SESSION**

None

**ADJOURNMENT**

The Council adjourned at 7:38 p.m. to the meeting of February 20, 2018.

SEAL

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Luisa M. Zavala, Deputy City Clerk

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Brian E. Ward, Vice Mayor

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
FEBRUARY 20, 2018, 5:30 PM**

Called to Order at 5:33 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council Member Cameron Hamilton, Vice Mayor Ward (arrived during Closed Session), Mayor Stowe

**ORAL COMMUNICATIONS**

None

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 256 East Orange Avenue, Porterville, CA; APNs: 261-150-056, 261-150-057, and 261-140-024. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 260-235-006 and 260-242-106. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton and Steve Penn. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-040-014. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Maude E. Church Trust. Under Negotiation: Terms and Price.
- 4** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Porterville Peace Officers Association.
- 5** - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases in which facts are not yet known to potential plaintiffs.
- 6** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

**6:40 P.M. RECONVENED OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

The City Attorney Lew reported that no reportable action had taken place in Closed Session.

Pledge of Allegiance Led by Council Member Monte Reyes  
Invocation -- a moment of silence was observed.

**PRESENTATIONS**

Project Homeless Connect  
Leadership Porterville - Drought Demonstration Garden

## **AB 1234 REPORTS**

AB 1234 reports required pursuant to Government Code §53232.3.

1. SJVAPCD GOVERNING BOARD MEETING - FEBRUARY 15, 2018  
Council Member Reyes spoke of a report and recommendations from the Central Valley Summit on alternatives to open burning of agricultural waste, the acceptance of State funding, and approval of a contract amendment to expand public education for the real-time air advisory network.

## **REPORTS**

### **I. City Commission and Committee Meetings**

1. PARKS & LEISURE SERVICES COMMISSION - FEBRUARY 1, 2018  
Commissioner Diane Graybehl presented the Commission's monthly report which consisted of information pertaining to adult volleyball, the fishing derby, military banner program, and the installation of a pet waste station at Veterans Park.
2. LIBRARY & LITERACY COMMISSION - FEBRUARY 13, 2018  
Commissioner Allan Bailey reported on the Commission's continued discussion pertaining to library fines on youth accounts, and Library Project with Harmony and INTERNNECT; and presented monthly highlights for January regarding program participation and Sunday patronage.
3. ARTS COMMISSION - JANUARY 17, 2018 ANIMAL CONTROL COMMISSION  
Vice Chair Penaloza reported that the commission had not met due to three existing vacancies.
4. YOUTH COMMISSION - FEBRUARY 12, 2018  
Commissioner Grlica Golusin reported on the Commission's judging of the Step Up Banner contest, continued discussion regarding potential projects, and upcoming events, which included the annual Dodgeball Tournament. She also expressed her excitement to serve as a commission member and learn about the community of Porterville.
6. TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC) - FEBRUARY 13, 2018  
Committee Chair Virginia Gurrola reported that the meeting had to be adjourned due to confusion regarding the meeting location which resulted in lack of a quorum.

### **II. Staff Informational Reports**

1. WALL OF FAME DESIGNATIONS
2. WATER CONSERVATION PHASE IV STATUS UPDATE

## **ORAL COMMUNICATIONS**

- Barry Caplan spoke in favor of going out to bid for legal services (Item No. 12), and of his experience with City Attorney Julia Lew.
- Brock Neeley provided handouts regarding foreign agricultural workers on H-2A visas and State and Local tax contributions of undocumented Californians; and spoke of 2014 ballot language, which he described as legalese.

- Edith LaVonne spoke in support of DACA and in favor of approval of Item No. 15.
- Teresa Delarosa spoke in support of Item No. 15.
- John Coffee requested that the Council approve the resolution in support of the Dream Act of 2017.
- Roberto Delarosa spoke in support of the proposed DACA resolution.
- Sarah Lee Gershon spoke in favor of approval of Item No. 15.
- Christian Ambriz voiced his support for the DACA resolution; and spoke of recent shootings and patterns exhibited by shooters.
- Joshua Soolier spoke in favor of Council's approval of Item No. 15.
- Art Rodriguez spoke in favor of Council's support of the DACA resolution.
- Daniel O'Connell, Executive Director of Central Valley Partnership, voiced his support for the proposed resolution; encouraged white people to think about their own immigrant heritage; and spoke of the importance of supporting agricultural workers.
- Benny Corona shared his personal experience and those of family members who are DACA beneficiaries; and requested Council approval of the resolution.
- Leticia Lopez stated that she had been an advocate for immigrant rights, and spoke of efforts made in support of immigrants and the Dream Act; and thanked the City Council for its consideration of the resolution.
- Daniel Penaloza, on behalf of Coalition for Humane Immigrant Rights and Latino Political Action Committee of Tulare County, voiced support for the proposed DACA resolution.
- Roberto Delarosa Jr. stated that he too was in favor of Council approving Item No. 15.
- Raul Garcia spoke in support of Item No. 15; and requested that the city of Porterville be on the winning side of history on this issue.
- Augustine Velasquez, Coalition for Humane Immigrant Rights, voiced his support for Council approval of the DACA resolution.
- Maria Gloria Perez stated that she loved living in America; voiced support for the proposed resolution; and thanked the Council for its consideration.

### **CONSENT CALENDAR**

There were no items pulled from the Consent Calendar for discussion.

**COUNCIL ACTION:**      MOVED by Vice Mayor Brian Ward, SECONDED by Council Member A. Monte Reyes that the City Council approve Items Nos. 1 through 9. The motion carried unanimously.

#### **1 .      CITY COUNCIL MINUTES OF JANUARY 16, 2018**

**Recommendation:**      That the Council approve the draft Minutes of January 16, 2018.

**Documentation:**      M.O. 01-022018

**Disposition:**      Approved.

#### **2 .      AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE ORANGE AVENUE REHABILITATION PROJECT FROM MAIN STREET TO PLANO STREET AND THE**

HENDERSON AVENUE REHABILITATION PROJECT FROM NEWCOMB STREET  
TO PATSY STREET

- Recommendation: That City Council:
1. Approve staff's recommended Plans and Project Manual;
  2. Authorize staff to advertise for bids on the project;
  3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02100714; and
  4. Authorize the Finance Director to appropriate \$465,582.70 from Local Transportation Funds to fully fund this project.

Documentation: M.O. 02-022018

Disposition: Approved.

3. DOWNTOWN PARKING LOTS PERIMETER IMPROVEMENT BUDGET  
AUGMENTATION

- Recommendation: That City Council:
1. Authorize the augmentation of the projects authorized funds by \$31,000.00 from Local Transportation Funds; and
  2. Authorize the City Engineer to sign the SCE applications and issue payment in the amount of \$7,340.65.

Documentation: M.O. 03-022018

Disposition: Approved.

4. AUTHORIZATION TO NEGOTIATE SERVICE AGREEMENTS FOR HAZARDOUS  
MATERIAL SURVEYS AND OVERSIGHT SERVICE FOR CITY FACILITIES

- Recommendation: That City Council:
1. Authorize the Public Works Director to negotiate service agreements for each of the six (6) projects listed within this staff report; and
  2. Authorize the Public Works Director to execute each agreement.

Documentation: M.O. 04-022018

Disposition: Approved.

5. PAYBACK AGREEMENT FOR OFF-SITE WATER MAIN - 1800 BAKER AVENUE  
(RANDLE E. WELDON)

- Recommendation: That City Council adopt a resolution establishing that before benefiting properties are permitted to connect to the off-site water main, their pro-rata shares of the payback agreement shall be collected. The total payback amount to be collected shall not exceed \$30,995.48.



Documentation: Resolution No. 03-2018  
Disposition: Approved.

6. CONSIDERING AUTHORIZATION OF THE FILING OF CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORM FOR THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM; AND AUTHORIZATION TO OBTAIN WRITTEN PRICE QUOTATIONS FROM QUALIFIED VENDORS FOR THE PROCUREMENT OF A BATTERY-ELECTRIC VAN

Recommendation: That the City Council:

1. Adopt the Resolution for the execution of the certifications and assurances for the California State of Good Repair Program; and
2. Authorize staff to obtain written price quotations for the purchase of a battery-electric paratransit van.

Documentation: Resolution No. 04-2018; and M.O. 05-022018  
Disposition: Approved.

7. A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS

Recommendation: That the City Council adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds.

Documentation: Resolution No. 05-2018  
Disposition: Approved.

8. AUTHORIZATION TO FILE APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION

Recommendation: That the City Council adopt the Resolution authorizing the filing of applications with the Federal Transit Administration (FTA).

Documentation: Resolution No. 06-2018  
Disposition: Approved.

9. AUTHORIZATION OF LOW CARBON FUEL STANDARD ACCOUNT ADMINISTRATORS

Recommendation: That the City Council:

1. Authorize the Mayor to legally bind the City of Porterville as a Low Carbon Fuel Standard Reporting Party;
2. Authorize Michael Reed, Public Works Director, as the Primary Account Administrator; and
3. Authorize Richard Tree, Transit Manager, as the Secondary Account Administrator.

Documentation: M.O. 06-202018  
Disposition: Approved.

## **PUBLIC HEARINGS**

### **10. UPDATE TO THE CITY'S URBAN WATER MANAGEMENT PLAN**

Recommendation: That City Council:

1. Conduct Public Hearing, and receive comments, on the continued public hearing for the City's 2015 Urban Water Management Plan from February 6, 2018;
2. Adopt the City's 2015 Urban Water Management Plan;
3. Submit the 2015 Urban Water Management Plan to the Department of Water Resources, the California State Library, and Tulare County; and
4. Make the 2015 Urban Water Management Plan available to the public for review within 30 days after filing a copy of the plan with the Department of Water Resources.

City Manager John Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report.

The Public Hearing was opened at 7:50 p.m.

- Brock Neeley recognized staff for the foresight to build existing water tanks.
- Barry Caplan stated that staff had done a good job managing the drought to date; and spoke of risk of Success Dam failure.

The Public Hearing was closed at 7:55 p.m.

**COUNCIL ACTION:** MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council adopt the City's 2015 Urban Water Management Plan; submit the 2015 Urban Water Management Plan to the Department of Water Resources, the California State Library, and Tulare County; and make the 2015 Urban Water Management Plan available to the public for review within 30 days after filing a copy of the plan with the Department of Water Resources.. The motion carried unanimously.

Documentation: Resolution No. 07-2018; and M.O. 07-022018  
Disposition: Approved.

## **SCHEDULED MATTERS**

### **11. SPRING EXPRESSIONS CHALK ART CONTEST**

Recommendation: That the City Council:

1. Direct the Arts Commission to proceed with the Spring Expressions Chalk Art Project; and
2. Appropriate the amount of \$350 to the Arts Commission for the Spring Expressions Chalk Art Project from the 2017/2018 Community Promotions operating budget.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council direct the Arts Commission to proceed with the Spring Expressions Chalk Art Project; and appropriate the amount of \$350 to the Arts Commission for the Spring Expressions Chalk Art Project from the 2017-2018 Community Promotions operating budget. The motion carried unanimously.

Documentation: M.O. 08-022018

Disposition: Approved.

## 12. CONSIDERATION OF LEGAL SERVICES AGREEMENT

Recommendation: That the City Council:

1. Approve the Legal Services Agreement; and
2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew left the Council's chamber while the Council considered the item.

A brief discussion ensued during which the Council spoke of attorney's fees paid to City of Tulare's attorney; communicated its satisfaction with Ms. Lew's performance; and in response to comments made in Oral Communications, explained that the City was not required to go through a bid process for professional services.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve the Legal Services Agreement; and authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council. The motion carried unanimously.

Documentation: M.O. 09-022018

Disposition: Approved.

City Attorney Lew returned to the meeting.

## 13. CONSIDERATION OF FORMING LIGHTING DISTRICTS IN ANNEXED AREAS

Recommendation: That the City Council consider the formation of Lighting and/or Special Benefit Districts.

City Manager Lollis introduced the item and presented the staff report.

The Council discussed the lighting needs throughout the City, the presence of existing poles to which lights could be installed, estimated costs associated with the installation and operation of said lighting, and cost savings associated with the transition of lighting to LED.

Vice Mayor Ward stated that his intent in requesting the item was to improve the security in annexed areas that lacked infrastructure by installing a low cost lighting solution. Staff noted that there were not many lighting assessment districts, and those that did exist only covered about 40% of the electricity costs.

City Manager Lollis suggested that an analysis of poles located on arterial and collector streets be conducted to start. The Council then directed that staff proceed with identifying poles on arterials and collectors to which lighting could be installed throughout the city.

Documentation: None

Disposition: Direction given.

14. CONSIDERATION OF ENGAGING FM3 AND THE LEW EDWARDS GROUP FOR PUBLIC OPINION POLLING AND CONSULTING FOR A POTENTIAL TAX MEASURE

Recommendation: That the City Council:

1. Authorize staff to engage FM3 for consulting services relative to public opinion polling for a potential tax measure on the November ballot at an estimated cost of \$28,000 to be funded out of the Council's Special Purposes Fund; and
2. Authorize staff to engage the Lew Edwards Group for lead consulting services during the initial polling phase in the amount of \$12,500 to be funded out of the Council's Special Purposes Fund; and
3. Authorize the City Manager to sign all necessary documentation.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report. City Attorney Lew spoke of a proposed tax initiative which could qualify for the November 2018 ballot, and if approved would apply retroactively to any tax measures passed in 2018.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council authorize staff to engage FM3 for consulting services relative to public opinion polling for a potential tax measure on the November ballot at an estimated cost of \$28,000 to be funded out of the Council's Special Purposes Fund;

and authorize staff to engage the Lew Edwards Group for lead consulting services during the initial polling phase in the amount of \$12,500 to be funded out of the Council's Special Purposes Fund; and authorize the City Manager to sign all necessary documentation. The motion carried unanimously.

Documentation: M.O. 10-022018

Disposition: Approved.

15. CONSIDERATION OF A RESOLUTION OF SUPPORT FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

Recommendation: That the City Council consider a Resolution of Support for Deferred Action for Childhood Arrivals (DACA).

City Manager Lollis introduced the item and presented the staff report.

The Council discussed the proposed legislation to address DACA policy (H.R. 3440 and S. 1615), and decided to pull references to them in the draft resolution because members of the Council had not reviewed the bills in their entirety. Members of the Council then communicated their support for legislation that would give DACA beneficiaries a path to legalizing their immigration status.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council approve the draft resolution, as amended to remove references to H.R. 3440 and S. 1615 and urge the swift passage by Congress of legislation. The motion carried unanimously.

Documentation: Resolution No. 08-2018

Disposition: Approved.

16. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 11-022018

Disposition: Approved.

### **ORAL COMMUNICATIONS**

None

### **OTHER MATTERS**

- Council Member Flores spoke of upcoming Public Safety Recognition Dinner and CASA Dueling Pianos event.
- Council Member Hamilton stated that Mayor Stowe would be heading to UCLA later this week and that he would be praying for him; and spoke of Council Member Reyes' uncle who was killed in action.
- Vice Mayor Ward stated that he too, and many members of the community would be praying for Mayor Stowe; and spoke of the strange weather, Valentine's Day, and the upcoming St. Patrick's Day holiday. He also requested that community members reach out to Council with Hall of Fame nominations.
- Council Member Reyes encouraged applications for the military banner program.
- City Manager Lollis spoke of an upcoming Chamber Government Affairs meeting regarding a Tule River Tribe airport project.
- Mayor Stowe thanked the community for its prayers and support; and spoke of conflicting emotions regarding his need for a transplant.

### **CLOSED SESSION**

The Council took a five minute recess at 8:50 p.m. and reconvened in Closed Session.

### **ADJOURNMENT**

The Council adjourned at 9:49 p.m. to the meeting of March 6, 2018.

SEAL

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Luisa M. Zavala, Deputy City Clerk

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Brian E. Ward, Vice Mayor



## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** Specialized Equipment Repair - Pillar Air Blower Programming

**SOURCE:** Public Works

**COMMENT:** The City of Porterville Wastewater Treatment Facility (WWTF) has received a quote from Pillar TSC Blower Corporation for the programming repair of its Pillar Blowers. The blowers provide the air necessary to the plants aeration system. This process is the core of the biological treatment process using oxygen consuming bacteria.

The blowers, which were installed in February 2016, are proprietary to Pillar and are no longer covered under warranty. Due to the blowers operation specified when they were installed, the need to change the programming was evident. Since they have been in operation staff has manually operated the blowers in order to pinpoint the best operating schedule in order to reprogram the blowers. By implementing this change in the programming staff will have an automated blower system.

Pillar TSC Blower Corporation submitted a quote of \$11,945.00 to the WWTF for the reprogramming of the Pillar Blowers. The quote includes parts and labor. Expenditure for the repair in the do not exceed amount of \$13,139.50, which includes a ten percent contingency, will be funded from the Wastewater Operating Fund.

**RECOMMENDATION:** That City Council:

1. Authorize the repair of Pillar Air Blower to Pillar TSC Blower Corporation for a do not exceed amount of \$11,945.00;
2. Direct the Finance Director to initiate a Purchase Order to Pillar TSC Blower Corporation for a do not exceed amount of \$11,945.00; and
3. Direct the Finance Director to make payment to Pillar TSC Blower Corporation upon receipt of invoice approved by the Public Works Director.

**ATTACHMENTS:** 1. 18-60002 City of Porterville Panel Quote

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



Piller TSC Blower Corp, 445 Duane Avenue, Schenectady, NY 12304, USA

page 1 of 3  
February 15, 2018

**City of Porterville WWTP**

Attn: Robert Alvarez

Porterville, CA  
USA

Contact : Chris Whitman  
Phone: (518) 372 2496  
Fax: (518) 372 0115  
E-Mail: [whitman@piller-tsc.com](mailto:whitman@piller-tsc.com)

**Budget Offer P18-60002**

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**Valid until: March 15, 2018**

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Your inquiry  
from:  
Your custom no.:  
Our vendor no.:  
Your person in  
Charge:  
Your VAT no.:  
Your TAX ID:

Your phone:  
Your fax:  
Your e-mail:

Dear Mr. Alvarez,

We thank you very much for your inquiry. We are pleased submit following offer.

Please note our service technician will be advising and assisting Trimax Systems in upgrading and testing of the Pillaerator control panel. The panel will be reprogrammed in accordance with the desired operating style of the city.

If you have any further questions, please do not hesitate to contact me.

With kind regards,  
Piller TSC Blower Corp

Chris Whitman  
Pillaerator Project Engineer

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## Budget Offer P16-31594

February 24, 2016

| item | Description                                                                                                                                                                          | QTY | Unit | Unit Price | Total Item Value |
|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|------|------------|------------------|
|      | <b>Service and testing for PillerAerator LP-14000 turbo blower system</b>                                                                                                            |     |      |            |                  |
|      | <b>Trimax upgrade to city blower sequence panel, scope of work of:</b>                                                                                                               |     |      | 7,085.00   | 7,085.00 USD     |
|      | Update PLC and HMI programs                                                                                                                                                          |     |      |            |                  |
|      | a. DO probes will operate the four Rotork valves (40-MV-11, 40-MV-21, 40-MV-31, and 40-MV-41) to maintain the set DO.                                                                |     |      |            |                  |
|      | b. Trimax will monitor line pressure using senders 30-PIT-115 and 30-PIT-125 as duty and standby with an adjustable set point of about 5-10psi.                                      |     |      |            |                  |
|      | c. Trimax will adjust blower speed to maintain set point, for example if the set point is 7psi and the pressure drops to 6psi for 5 minutes Trimax will increase blower speed.       |     |      |            |                  |
|      | d. Blowers would operate in a lead-lag-standby meaning, if lead blower gets to max speed for 5 minutes lag blower will start and the two blowers will operate to maintain set point. |     |      |            |                  |
|      | e. Standby would only start if there was a blower failure.                                                                                                                           |     |      |            |                  |
|      | <b><i>Budget quotation for a Piller TSC service technician to travel to customer site to advise and assist with overhaul of blower sequence panel</i></b>                            |     |      |            |                  |
|      | Estimated Straight Time Labor – Normal 8 hour workday                                                                                                                                | 8   | Hrs  | 170.00     | 1,360.00 USD     |
|      | Estimated overtime hours – Exceeding 8 hour normal workday                                                                                                                           |     | Hrs  | 215.00     |                  |
|      | Estimated overtime hours- Exceeding 12 hour in one workday                                                                                                                           |     | Hrs  | 255.00     |                  |
|      | Estimated Travel Time Hours                                                                                                                                                          | 23  | Hrs  | 100.00     | 2,300.00 USD     |
|      | Estimated Travel and Living Expenses (Hotel, meals, car mileage, per diem, etc.)                                                                                                     |     |      |            | 1,200.00 USD     |

**Budget Offer P16-31594**

February 24, 2016

**Total Offer Value**

**11,945.00 USD**

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**Commercial notes**

**Delivery time:** TBD

**Payment terms**

Net 30 Days. All charges will be based on the current "Service Technician Rate Schedule", Dated January 1, 2018. Any additional hours or expenses that exceed this budget quotation will be billed according to the rate schedule sheet provided and be the responsibility of the customer.

**Delivery terms** N/A

**Packing terms** N/A

**Warranty** As per Piller TSC Terms and Conditions of Service

***Piller TSC Terms and Conditions of Sale and Limited Product Warranty Applies***



## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** Authorization to Operate Fare Free Shuttle Service to the Porterville Fair and Porterville Freedom Fest, and Authorization to Contract with Pyro Spectaculars, Inc. for the Freedom Fest

**SOURCE:** Public Works

**COMMENT:** In 2011, the Porterville Fair and the Porterville Freedom Fest opened in their new locations on Teapot Dome and Scranton Avenue. Porterville Transit does not operate in this area, and in an effort to improve mobility options and reduce congestion, Council authorized staff to operate a shuttle route from the downtown Transit Center to the Porterville Fairgrounds and the City's Sports Complex.

This year, staff received a request from the Porterville Fair Board to operate a shuttle route from the downtown Transit Center to the Porterville Fairgrounds on the following dates and duration:

Thursday, May 10, 2018, 12:00 p.m. - 10:00 p.m.

Friday, May 11, 2018, 12:00 p.m. - 10:00 p.m.

Saturday, May 12, 2018, 12:00 p.m. - 10:00 p.m.

In 2017, Porterville Transit operated a fare free shuttle route and transported 178 passengers. The total cost to operate the Porterville Fair Shuttle was \$564.

Staff also received a request to operate a fare free shuttle route from the downtown Transit Center to the Porterville Freedom Fest on Saturday, June 30, 2018. The requested shuttle route will operate from 4:00 p.m. to 10:00 pm. In 2017, Porterville Transit operated a fare free shuttle route and transported 250 passengers. The total cost to operate the Freedom Fest Shuttle was \$300.

In conjunction with the Freedom Fest, staff is requesting that Council approve the expenditure of \$22,000 to Pyro Spectaculars, Inc. for the fireworks show at the Freedom Fest. Council's approval will allow staff to issue a purchase order to secure their services. The expenditure will come from the Freedom Fest account out of the general fund.

**RECOMMENDATION:** That the City Council:

1. Authorize staff to operate a fare free shuttle to the Porterville Fair from May 10-12, 2018, and to the Porterville Freedom Fest on June 30, 2018; and

2. Authorize the expenditure of \$22,000 to Pyro Spectaculars, Inc. for the 2018 Freedom Fest fireworks show.

ATTACHMENTS:

Appropriated/Funded: MB

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** Authorization to Issue Request for Proposals (RFP) for the Engineering Services for Plans and Specifications Digester #3 Repair and Rehabilitation Project, and On-Call Inspection Service for Wastewater Treatment Facility (WWTF) Digesters

**SOURCE:** Public Works

**COMMENT:** The Public Works Department is requesting authorization to issue a Request for Proposals (RFP) to provide engineering services for the rehabilitation of Digester No. 3. Recently, the anchors on Digester No. 3 fixed steel dome failed when the internal gas pressure exceeded their hold down capacity. Along with the design services for the rehabilitation of Digester No. 3 Master Plan updates, staff is also requesting Statement of Qualifications (SOQ) to provide on-call inspection services for all other digesters at the City WWTF.

The preparation and adoption of comprehensive plans and specifications is essential to the overall efficiency of the WWTF. The City intends to select one firm who, in addition to demonstrating exceptional expertise in the technical issues at hand, will express a willingness to undertake a flexible, teamwork approach with the City.

All consulting services will be ranked in accordance with the “Policy for Selecting Consultants to Provide Architectural, Engineering and Similar Services” as amended by City Council (Resolution 16-2001).

Funding for the repair of Digester No. 3 is approved in the 17/18 budget and will be paid for by the WWTF Reserve Fund.

**RECOMMENDATION:** That City Council:

1. Accept the Request for Proposals/Qualifications in draft form; and
2. Authorize staff to distribute the Request for Proposals/Qualifications to consulting firms as specified in the policy.

**ATTACHMENTS:** 1. RFP - Digester 3 and On-Call Inspection

**Appropriated/Funded:**

**Review By:**

Item No. 4.

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



## **REQUEST FOR QUALIFICATIONS**

### **Engineering Services for Plans and Specifications of Digester #3 Repair and Rehabilitation Project, and On-Call Inspection Service for WWTF Digesters**

**PREPARED BY:  
DEPARTMENT OF PUBLIC WORKS  
ENGINEERING DIVISION  
FEBRUARY 2018**

REVIEWED BY:

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JAVIER SANCHEZ, JR.  
City Engineer

APPROVED BY:

---

MICHAEL K. REED  
Public Works Director



TITLE

TABLE OF CONTENTS

PAGE

|               |                                                  |           |
|---------------|--------------------------------------------------|-----------|
| <b>I.</b>     | <b>INTRODUCTION AND OBJECTIVES .....</b>         | <b>3</b>  |
| <b>II.</b>    | <b>EXAMINATION OF SOQ DOCUMENTS .....</b>        | <b>3</b>  |
| <b>III.</b>   | <b>ADDENDA/CLARIFICATIONS.....</b>               | <b>3</b>  |
| <b>IV.</b>    | <b>PROPOSAL REQUIREMENTS .....</b>               | <b>3</b>  |
| <b>V.</b>     | <b>PRE-CONTRACTUAL EXPENSES.....</b>             | <b>4</b>  |
| <b>VI.</b>    | <b>EXCEPTIONS/DEVIATIONS .....</b>               | <b>4</b>  |
| <b>VII.</b>   | <b>CONSULTANT REPRESENTATIVE.....</b>            | <b>4</b>  |
| <b>VIII.</b>  | <b>LOCAL AGENCY REPRESENTATIVE .....</b>         | <b>4</b>  |
| <b>IX.</b>    | <b>INSURANCE REQUIREMENTS .....</b>              | <b>4</b>  |
| <b>X.</b>     | <b>INDEMNIFICATION.....</b>                      | <b>5</b>  |
| <b>XI.</b>    | <b>SUBCONTRACTING.....</b>                       | <b>5</b>  |
| <b>XII.</b>   | <b>FEDERAL, STATE, AND LOCAL LAWS.....</b>       | <b>5</b>  |
| <b>XIII.</b>  | <b>SOQ EVALUATION CRITERIA .....</b>             | <b>5</b>  |
| <b>XIV.</b>   | <b>CONSULTANT SELECTION AND INTERVIEWS .....</b> | <b>6</b>  |
| <b>XV.</b>    | <b>COST PROPOSAL .....</b>                       | <b>6</b>  |
| <b>XVI.</b>   | <b>CONTRACTS/AGREEMENTS.....</b>                 | <b>7</b>  |
| <b>XVII.</b>  | <b>COMPENSATION .....</b>                        | <b>7</b>  |
| <b>XVIII.</b> | <b>OWNERSHIP OF REPORTS AND DOCUMENTS .....</b>  | <b>7</b>  |
| <b>XIX.</b>   | <b>SOQ FORMAT AND CONTENT .....</b>              | <b>8</b>  |
| A.            | FIRM EXPERIENCE .....                            | 8         |
| B.            | CONSULTANT TEAM .....                            | 8         |
| C.            | SOQ FORMAT .....                                 | 8         |
| <b>XX.</b>    | <b>SCOPE OF SERVICES .....</b>                   | <b>10</b> |
| A.            | INTRODUCTION .....                               | 10        |
| B.            | PROJECT DESCRIPTION.....                         | 10        |
| C.            | COMMUNITY PROFILE .....                          | 11        |
| D.            | FACTORS INFLUENCING REPAIR PLAN .....            | 11        |
| E.            | DESCRIPTION OF EXISTING FACILITIES .....         | 11        |
| <b>XXI.</b>   | <b>CONSULTANT SELECTION RATING FORM .....</b>    | <b>15</b> |
| <b>XXII.</b>  | <b>EXAMPLE SERVICE AGREEMENT .....</b>           | <b>16</b> |

## **I. INTRODUCTION AND OBJECTIVES**

The City of Porterville (hereinafter referred to as "CITY") is requesting statements of qualifications (SOQs) to provide engineering services for the rehabilitation of Digester #3. Recently the anchors on Porterville's Digester No. 3 fixed steel dome failed when the internal gas pressure exceeded their hold down capacity. The services requested will include:

- Site Investigation;
- Repair Recommendations;
- Design Engineering Services.

Along with the design services for the rehabilitation of Digester No. 3 Master Plan updates, the CITY is also requesting SOQs to provide on-call inspection services for all other Digester's at the City WWTF:

- Site Investigation;
- Repair Recommendations.

## **II. EXAMINATION OF SOQ DOCUMENTS**

By submitting an SOQ, each CONSULTANT represents that it has thoroughly examined and become familiar with the work required under this Request for Qualifications (RFQs) and that it is capable of performing quality work to achieve the objectives of CITY.

## **III. ADDENDA/CLARIFICATIONS**

Any CITY changes to this RFQ will be made by written addendum. No verbal modification shall be binding. All RFQ questions from CONSULTANTS must be received by the end of the day Monday, March 12, 2018 in order to be provided a response from the CITY on Friday, March 16, 2018.

## **IV. PROPOSAL REQUIREMENTS**

SOQs for this project will be accepted at this office until 5:00 p.m., on Friday, March 23, 2018. Submit three (3) copies of the proposal in a sealed envelope, plainly marked "Engineering Services for Plans and Specifications for the Digester #3 Repair and Rehabilitation Project and On-Call Inspection Services for WWTF Digesters. Do not submit cost proposals until requested by the CITY. Address SOQs too:

Michael K. Reed, Public Works Director  
Public Works Department  
City of Porterville  
291 N. Main Street  
Porterville, CA 93257

The City reserves the right to reject any and all SOQs, which do not meet the

requirements of this RFQ and/or any portion of the requirements of this project.

**V. PRE-CONTRACTUAL EXPENSES**

Pre-contractual expenses are defined as expenses incurred by the CONSULTANT in:

- Preparing and reproducing its SOQ in response to this RFQ;
- Submitting its SOQ to CITY;
- Negotiating with CITY any matter related to this RFQ and CONSULTANT's SOQ;
- Other matters prior to the date of award of a Contract.

CITY shall not be liable for any pre-contractual expenses incurred by CONSULTANT in the preparation of SOQs and/or proposals. Pre-contractual expenses shall not be included in the cost proposal.

**VI. EXCEPTIONS/DEVIATIONS**

Any exceptions to the requirements of this RFQ must be included in the CONSULTANT's SOQ. Such exceptions must be included as a separate element of the SOQ entitled "Exceptions and Deviations."

**VII. CONSULTANT REPRESENTATIVE**

The CONSULTANT shall assign a responsible representative and an alternate, both of whom shall be identified in the SOQ. The CONSULTANT's representative shall remain in responsible charge for the duration of the project. Should the CONSULTANT's primary representative be unable to continue with the project, the CONSULTANT's alternate representative shall become the primary representative. No personnel changes will be acceptable without prior approval by CITY. CITY reserves the right to reject any changes in personnel at any time during the course of this project. CITY also reserves the right to terminate the contract if, in the opinion of CITY, substantial changes in project management may jeopardize the successful completion of this project to the satisfaction of CITY.

**VIII. LOCAL AGENCY REPRESENTATIVE**

Michael K. Reed, Public Works Director, shall be the initial Contract Administrator and contact person for communications with the CITY. The CITY reserves the right to add additional CITY staff, as need, to be the main contact for specific elements of the project.

**IX. INSURANCE REQUIREMENTS**

The CONSULTANT shall maintain and provide current copies to CITY of the following minimum insurance coverage for the duration of this project:

- Full liability under Worker's Compensation laws of the State of California
- General comprehensive liability (*bodily injury and property damage*)\*
- Professional liability insurance (*errors and omissions*)\*
- Automotive liability Insurance\*

\*All must provide a combined single limit (CSL) of not less than \$1 million per occurrence.

#### **X. INDEMNIFICATION**

The CONSULTANT shall indemnify, defend, and hold harmless CITY, its elected and appointed officers, employees agents from and against any and all claims, including attorney's fees and reasonable expenses for litigation or settlement, for any loss, damages, bodily injuries, and loss of property caused by negligent acts, omissions, or willful misconduct by the successful CONSULTANT and its subconsultants arising out of performance of the requirements of the Contract.

#### **XI. SUBCONTRACTING**

Only those firms identified in the Contract as subcontractors or subconsultants shall be allowed to perform work for this project. Any amendments to this requirement shall be made in writing by the prime CONSULTANT to CITY. CITY has the right to reject any requested amendments at any time during the course of this project.

#### **XII. FEDERAL, STATE, AND LOCAL LAWS**

The CONSULTANT shall comply with all federal, state, and local laws, rules, regulations, ordinances, and statutes.

#### **XIII. SOQ EVALUATION CRITERIA**

Evaluation criteria used to select the CONSULTANT shall include, but not be limited to, the following:

- A. Firm(s) capability to perform all or most aspect of the project;
- B. Firm(s) experience with similar projects;
- C. Firm(s) key personnel qualifications/certifications and experience, especially the project manager and individuals performing services;
- D. Firm(s) understanding of the project potential problems and the City's special concerns;
- E. Firm(s) ability to provide the required services in a timely and cost-effective manner;
- F. Firm(s) policy in providing Equal Employment Opportunity; and
- G. Firm(s) recent experience in specialized areas of expertise associated with the project.

The attached CITY'S Consultant Selection Rating Form shall be used to rate each firm.

#### **XIV. CONSULTANT SELECTION AND INTERVIEWS**

CITY selection committee, consisting of the Contract Administrator and at least two additional staff members familiar with the project requirements, will review all SOQs and rank CONSULTANTs according to their demonstrated competence and professional qualifications as assessed by their response to this RFQ and the evaluation criteria contained in the CITY'S Consultant Selection Rating Form. The City will develop a shortlist based on the highest ranked CONSULTANT(s) and conduct oral interviews with the CONSULTANT(s) on the shortlist. Table 1 shows a tentative schedule for the RFQ process. Alternatively, the City reserves the right to go directly into negotiations with the highest ranked CONSULTANT(s), bypassing the oral interviews. In such a case, the CITY will select the CONSULTANT based on their response to the RFQ, and Consultant Selection Rating Form. If oral interviews are deemed necessary, each participating firm will be contacted via telephone for verification of interview date and time. Failure to be available at the time of a scheduled interview shall be considered non-responsive and shall be cause for elimination from any further consideration.

Table 1: Tentative Schedule

| <b>RFQ Process Tentative Schedule</b>                                                       |                       |             |
|---------------------------------------------------------------------------------------------|-----------------------|-------------|
|                                                                                             | <b>Tentative Date</b> | <b>Week</b> |
| CITY advertises RFQ.                                                                        | 2/16/18               | 1           |
| Last day for CONSULTANT(s) to submit responses to RFQ.                                      | 3/12/18               | 4           |
| CITY to develop a shortlist of qualified CONSULTANT(S) and notify top-ranked CONSULTANT(s). | 3/26/18               | 6           |
| Notify CONSULTANT(s) of final ranking in RFQ process.                                       | 4/02/18               | 7           |
| CONSULTANT to meet with CITY for project scoping meeting                                    | 4/16/18               | 9           |
| Last day for top-ranked CONSULTANT to submit proposal and fees.                             | 4/27/18               | 10          |
| Negotiate and finalize contract with top-ranked CONSULTANT.                                 | 5/04/18               | 11          |
| CITY Council to award contract to CONSULTANT.                                               | 5/15/18               | 12          |
| Issue Notice to Proceed to CONSULTANT.                                                      | 5/21/18               | 13          |

#### **XV. COST PROPOSAL**

The cost proposal shall not be submitted until requested by the CITY. Negotiations with the top-ranked candidate may begin immediately. If an agreement cannot be reached within ten (10) working days, CITY may begin negotiations with the next selected candidate and proceed. If necessary, this process will continue until either an agreement is reached or CITY elects to re-advertise for new proposals. CITY reserves the right to reject any and all proposals prior to award of a Contract.

**XVI. CONTRACTS/AGREEMENTS**

The successful CONSULTANT shall enter into upcoming Contracts with CITY that are based on the contents of this RFQ, the CONSULTANT's proposal, and CITY Contract. Where two or more CONSULTANTS desire to submit a single proposal (joint venture), only one CONSULTANT shall be listed as prime CONSULTANT. All others shall be listed as subconsultants. Tentative schedule for award of a Contract by City Council is Friday, February 21, 2017. Issuance of this RFQ and receipt of SOQ(s) does not commit CITY to award a Contract. CITY reserves the right to postpone award of a Contract for its own convenience, accept or reject any or all SOQ(s) received in response to this RFQ, negotiate with any CONSULTANT other than the highest ranked CONSULTANT should negotiations with the highest ranked CONSULTANT be terminated, and cancel any or all portions of this RFQ and resulting Contract

**XVII. COMPENSATION**

- A. All items of work required for completion of the project outlined in this RFQ shall be paid for on a lump sum basis. Costs for any and all items not specifically listed, but required to complete the work for this project (including all exceptions and deviations stated included in CONSULTANT's proposal), shall be included as part of the total cost proposed. No additional compensation shall be paid for such items. No additional compensation shall be given for any reproduction costs, except those in excess of the requirements stated in this RFQ. Only a change in scope or any significant task addition or increase shall receive consideration for additional compensation.
- B. If the CONSULTANT feels that any work it has been directed to perform is beyond the scope of the Contract and constitutes extra work, it shall notify CITY in writing within ten (10) days. CITY will review such notice and, if justified, authorize additional compensation to the CONSULTANT on a fair and equitable basis.
- C. Monthly progress payments will be made to the CONSULTANT(s) only upon submittal of invoices to CITY. Said invoice shall indicate the percentage completion of each task, as well as the overall percentage completion of the entire project. In addition, an updated schedule showing tasks and their degree of completion shall be provided.

**XVIII. OWNERSHIP OF REPORTS AND DOCUMENTS**

Originals of all documents, letters, drawings, design calculations, estimates, specifications, and other documents and data produced under the terms of the Contract shall become the property of CITY. CITY shall retain all rights in copyright. Copies may be made and retained by the CONSULTANT for its records, but shall not be furnished to others without the written consent of CITY for a period of three (3) years from the date of acceptance, by CITY, of all requirements of this project.

## **XIX. SOQ FORMAT AND CONTENT**

SOQ shall be brief and include a concise address of the following information:

### **A. Firm Experience**

1. A brief list of similar projects completed in the last ten (10) years, indicate the specific relationship if other than principal and each firm's responsibilities. Descriptions of pertinent experience should include a summary of work performed, adherence to schedules, the duration of each project, and the name, title, and phone number of clients that may be contacted for reference.
2. Other information that might aid CITY in ascertaining proposing firm's qualifications.

### **B. Consultant Team**

Name of prime consulting firm, subconsultant(s), names of principals, associates, project manager, and key personnel, their proposed level and areas of responsibility, and their qualifications/certifications in those areas. The CONSULTANT's Project Manager and key personnel will be an important factor considered by CITY.

1. Any changes to personnel assigned to this project shall be made in writing to CITY. CITY reserves the right to reject any proposal with modified personnel.
2. If subconsultants are used, names of subconsultant's key personnel for the project, their professional experience, qualifications/certifications, and training, which are applicable to this project, and the scope of services that will be provided by each subconsultant.
3. The office location from which the CONSULTANT shall operate along with telephone and/or cell number of the project manager.

### **C. SOQ Format**

1. SOQ shall contain no more than twenty (20) pages, excluding cover sheet, table of contents, index sheets, and resumes, double-sided, font size no less than 10 pt., and single or double-spaced. Cover letters will be counted as part of the twenty sheets. The City encourages the use of recycled materials.
2. SOQ should include, but not be limited to, the following:
  - a. Page numbering;
  - b. Table of Contents, if applicable;
  - c. Section dividers with tabs, if applicable;
  - d. Identification of offering firms, including name, address, and telephone number

of each firm;

- e. Prime CONSULTANT organizational chart, which includes subconsultant(s) with names and titles of personnel to be used for this project;
- f. Acknowledgment of receipt of RFQ addenda, if any;
- h. Exceptions to or deviations from the requirements of this RFQ separating technical exceptions from contractual exceptions. Any alternative approach proposed by the CONSULTANT shall be thoroughly explained and shall meet the objectives of CITY.



## **XX. SCOPE OF SERVICES**

### **A. Introduction**

The CITY is seeking SOQs from qualified civil engineering consulting firms to prepare plans and specifications for the repair of Digester #3 in two different phases. Phase 1 shall include the structural inspection to evaluate Digester #3. It will also include different repair options with cost estimate and life expectancy of each option. Phase 2 shall include complete engineering services for design, preparation of plans and specifications, and bidding services. The SOQ will also include on call inspection services for the City of Porterville WWTF Digesters.

The preparation and adoption of comprehensive plans and specifications is essential to the overall efficiency of the WWTF. The CITY recognizes that the process required to prepare these Plans will be complex and time consuming, and that an effective partnership between the CITY and its consulting team is integral to the successful and timely completion of the work. The CITY intends to select one firm who, in addition to demonstrating exceptional expertise in the technical issues at hand, express a willingness to undertake a flexible, teamwork approach with the CITY.

The RFQ anticipates the potential for either a single CONSULTANT, or a group of CONSULTANTS (prime CONSULTANT and subconsultants), to prepare the Plans, The CITY invites the submittal of SOQs, which reflect each CONSULTANT's area of expertise, and encourages consulting teaming. Each SOQ must identify and include the following professional engineering services for this project:

- A Professional Civil Engineer to be in responsible charge of the plans and specifications, and the on-call services.
- A Licensed Land Surveyor to perform survey work to the extent required.
- Additional engineering and support staff as necessary to prepare the various components of each Plan and on-call service.

The attached Consultant Selection Rating Form outlines the SOQ evaluation criteria for this RFQ. Principal factors affecting the CITY's selection of its consulting team will include the experience and qualification of the responsible engineer, assigned staff and subconsultants. The CITY reserves the rights to select the best combination of qualifications for the scope of work identified in this RFQ.

### **B. Project Description**

The project consists of the preparation of engineering plans and specifications for the Digester #3 repair and rehabilitation project and on-call service for the evaluation and inspection service of the WWTF Digesters.

### *C. Community Profile*

The CITY is a community with a population of approximately 60,070. The CITY limits currently encompass approximately 11,891 acres. A total of 36,205 acres are included within the Urban Area Boundary (UAB), and 17,184 acres are included within the Urban Development Boundary (UDB).

### *D. Factors Influencing Repair Plan*

The City of Porterville Waste Water Treatment Facility (WWTF) has had some additions throughout the years. Recently a blower and sludge dewatering system were installed at the treatment plant. As with most WWTF the infrastructure is ageing. Currently the CITY's wastewater treatment plant has a capacity of approximately 8 million gallons per day (mgd). The average daily wastewater volume for 2016 is 4.3 mgd. The 2030 general plan estimated that the plant's capacity would need to be increased to 11.3 mgd to 12.5 mgd (increase of 3.3 to 4.5 mgd) to accommodate the CITY's 2030 estimated population.

### *E. Description of Existing Facilities*

Wastewater Treatment Facility (WWTF): The Porterville WWTF, when constructed in 1954 (current configuration), consisted of grit removal, primary clarification, aeration basins, secondary clarifiers, and chlorine contact tank. The WWTF is located west of N. Prospect Street along W Grand Avenue. The WWTF also provides anaerobic digestion of bio-solids generated in the treatment process. The current configuration of the wastewater treatment plant can treat a maximum of 8 mgd. Along with processing wastewater from the CITY, the WWTF also processes wastewater collected by PVPUD.

Wastewater Management: Treated effluent wastewater and biosolids from the CITY's WWTF are pumped to a disposal site near the Porterville Municipal Airport located at the northwest corner of Westwood Street and Scranton Avenue. Effluent wastewater and biosolids are disposed of by land application and evaporation/percolation basins. The disposal facilities consist of 46 acres of percolation/evaporation ponds and 630 acres of available land for biosolids application.

## TASK 1 – KICK-OFF MEETING, RECORDS SEARCH, AND SITE INVESTIGATION

- 1.1. Kick-Off Meeting – The CONSULTANT shall conduct a kick-off meeting with CITY staff. Prepare and submit meeting agenda and meeting notes.
- 1.2. Records Search – CONSULTANT to prepare a data needs and records memorandum to the CITY. Memorandum to include all necessary as-builts and data required in order to generate an assessment document.
- 1.3. Site Investigation – Provide an assessment related to the failure of the digester dome anchorage by a structural engineer. Engineer shall provide a structural engineer to visit the site to comprehensively assess the damage to the existing steel dome and recommend alternatives for lifting, repairing, and resetting dome on digester tank. Interior concrete that is accessible will be assessed using visual and destructive testing that can be accomplished with hand tools. Additionally assess these additional recommendations from previous digester cleaning contractor to ensure proper functionality of the Digester.
  - Replace buried sludge heating pump piping to above ground glass lined pipe. Current piping is clogged with struvite
  - Install 3 way valve on heat exchanger for level control
  - Upgrade/refurbish waste gas burner
- 1.4. Report of Engineer's Recommendations – The CONSULTANT shall draft a report for Owner's review and concurrence. Report recommendations will be reviewed and discussed during an on-site meeting to select the repair approach. The meeting decisions will be incorporated into the Final Report.

### *Task 1 Deliverables*

- Draft Letter Report (pdf format);
- On-site meeting to discuss repair approach;
- Final Letter Report (pdf format).

## TASK 2 – DIGESTER #3 REPAIR AND REHABILITATION DESIGN AND SPECIFICATIONS

- 2.1 CONSULTANT to provide engineering design services, for repair and rehabilitation of Digester No. 3 steel cover and appurtenances identified during Task 1. Engineer will prepare Contract Documents (Drawings and Specifications) suitable for bidding. Contract Documents shall include Owner's standards "front-end" contract documents.
- 2.2 Engineer will assist the Owner during bidding by assisting with responses bidder's questions and preparation of addendums.

## *Task 2 Deliverables*

- Final Review Submittal will include half-size drawings, technical specifications and construction cost estimate. (PDF format).
- Contract Documents for the project will be submitted after approval of the Final Review Submittal. (PDF format)
- CADD Drawings for the project will be submitted after approval of the Final Review Submittal. (DWG format)

## **TASK 3 – ON-CALL INSPECTION SERVICES FOR WWTF DIGESTERS**

The City of Porterville is seeking proposals for on-call inspection services for the City's WWTF Digesters for overall assessment and feasibility of all improvements required to resolve existing deficiencies.

### *Information that will be provided by the City of Porterville*

- 3.1. Task Order for specific projects.
- 3.2. Record Drawings and Data needed to provide full assessment of the Digester.
- 3.3. Meet with CITY staff to review maintenance records and identify known problems.

### *Proposal Evaluation Criteria for On-Call Assessment of Digesters*

- 3.4. Project Approach and Schedule - As presented in the proposal, does the firm seem to understand the requirements of the on-call services? Has the firm clearly presented how it would complete the on-call services? Has the firm suggested innovative ideas? Has the firm pointed out areas of concern and potential solutions based on its experience? Has the firm proposed an on-call services response schedule that meets the CITY'S needs and is achievable?
- 3.5. Experience and Qualifications of the Project Manager - Does the proposal indicate that the Project Manager has the necessary experience? Does the Project Manager possess other qualifications valuable for this project?
- 3.6. Experience of the Firm and Other Team Members - Does the proposal indicate that the firm and, more particularly, the other team members have the necessary experience and certifications for their designated project task.
- 3.7. Time Commitment of Key Staff - How many man-hours is key staff committing to the project? Are they or junior staff doing a significant amount of the work? When evaluating the time commitment, keep in mind the type and complexity of the project. That is, a complex study will require a greater percentage of key or senior staff time than will a less complex project.

- 3.8. Man Hour Estimate - In the proposal, a fee structure should be provided for key staff. In reviewing the man-hour breakdown, does the firm seem to have a good grasp of the level of effort required for a digester assessment? This is an indicator of the level of understanding of the on-call services by the proposing firm.
- 3.9. Record of Success on Recent Similar Projects - This information comes from checking references provided in the proposal. In communicating with other agencies for whom the proposing firm and project team have worked, have they completed similar on-call surveying services on time and on budget? Would the references use the firm or project manager again?

**XXI. CONSULTANT SELECTION RATING FORM**

| CONSULTANT SELECTION RATING FORM                                                                                                                                                      |       | Rating Factor<br>Numerical<br>Range &<br>Weighting<br>Based on<br>Importance of<br>Factor | FIRM  | FIRM  | FIRM  | FIRM  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------|-------------------------------------------------------------------------------------------|-------|-------|-------|-------|
| Project Name:                                                                                                                                                                         | Date: |                                                                                           |       |       |       |       |
| Project Number:                                                                                                                                                                       |       |                                                                                           |       |       |       |       |
| Evaluation Factor                                                                                                                                                                     |       |                                                                                           | Score | Score | Score | Score |
| a. Capability to perform all or most aspects of the project.                                                                                                                          |       | 0-10                                                                                      |       |       |       |       |
| b. Recent experience in projects comparable to the proposed project.                                                                                                                  |       | 0-10                                                                                      |       |       |       |       |
| c. Firm's reputation for professional integrity and competence.                                                                                                                       |       | 0-5                                                                                       |       |       |       |       |
| d. Key personnel's professional background and caliber.                                                                                                                               |       | 0-7                                                                                       |       |       |       |       |
| e. Adequate qualified personnel available for assignment to the project.                                                                                                              |       | 0-5                                                                                       |       |       |       |       |
| f. Recent experience in specialized areas of expertise associated with the project.                                                                                                   |       | 0-5                                                                                       |       |       |       |       |
| g. Demonstrated ability to meet schedules or deadlines.                                                                                                                               |       | 0-10                                                                                      |       |       |       |       |
| h. Demonstrated ability to complete projects without having major cost escalations or overruns.                                                                                       |       | 0-7                                                                                       |       |       |       |       |
| i. Qualifications and experience of outside consultants regularly engaged by the consultant under consideration.                                                                      |       | 0-10                                                                                      |       |       |       |       |
| j. Quality of project previously undertaken.                                                                                                                                          |       | 0-10                                                                                      |       |       |       |       |
| k. Familiarity with and proximity to the geographic location of the project.                                                                                                          |       | 0-5                                                                                       |       |       |       |       |
| l. Capability of a branch office, which will do the work to perform independently of the home office, or conversely, its capability to obtain necessary support from the home office. |       | 0-3                                                                                       |       |       |       |       |
| m. Demonstration of an understanding of the project's potential problems and the City's special concerns.                                                                             |       | 0-5                                                                                       |       |       |       |       |
| n. Degree of interest shown in undertaking the project.                                                                                                                               |       | 0-3                                                                                       |       |       |       |       |
| o. Evidence that consultant is an equal opportunity employer.                                                                                                                         |       | 0-2                                                                                       |       |       |       |       |
| p. Proximity of firm's office to project.                                                                                                                                             |       | 0-3                                                                                       |       |       |       |       |
| TOTAL SCORE:                                                                                                                                                                          |       |                                                                                           |       |       |       |       |
| RANKING:                                                                                                                                                                              |       |                                                                                           |       |       |       |       |

## XXII. EXAMPLE SERVICE AGREEMENT



## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** On-Call Sales Tax Consulting Agreement with Robert E. Cendejas

**SOURCE:** City Manager's Office

**COMMENT:** With the development of GreenPower Motor Company's manufacturing facility and establishment of sales office in Porterville, GreenPower has made the commitment for Porterville to serve as the point of sale for electric vehicle purchases to the extent allowed by law. Typically in the sale of a commercial vehicle, the point of sale serves as the jurisdiction where the vehicle is used, stored or registered. However, under dealer, manufacturer and wholesale agreements, the point of sale can be defined by the agreement. GreenPower is currently negotiating several wholesale and dealer agreements for its vehicles, and has requested the City's assistance in reviewing such agreements to ensure the City of Porterville receives sales and use tax to the extent allowed by law.

Robert E. Cendejas is a well-regarded sales tax attorney and consultant who works on the behalf of cities, having represented such cities as Cypress, Dinuba, Long Beach, Ontario, and Shafter. Mr. Cendejas previously worked with another city in similar fashion with another electric vehicle manufacturer in performing the same services, and is well-acquainted with the sales and use tax opportunities available to the City through GreenPower, not only in the sale of electric vehicles, but also in the construction of their manufacturing facility. Mr. Cendejas would also be of assistance in providing similar services to the City with supply chain partners as they consider location in Porterville.

**RECOMMENDATION:** That the City Council approve the on-call sales tax consultant agreement for special projects with Robert E. Cendejas.

**ATTACHMENTS:** 1. 2018-03-06 - Robert Cendejas Engagement Letter

**Appropriated/Funded:**

**Review By:**

Department Director:

Final Approver: John Lollis, City Manager



Robert E. Cendejas  
Sales Tax Consultant  
1725 North Juliet Court  
Brea, CA 92821

Telephone (714) 256-9595  
(928) 396-1292  
Mobile Telephone (213) 361-0642  
[Robertecendejas@aol.com](mailto:Robertecendejas@aol.com)

Facsimile

E-mail:

VIA EMAIL: [JLollis@ci.porterville.ca.us](mailto:JLollis@ci.porterville.ca.us)

November 16, 2017

Mr. John D. Lollis  
City Manager  
City of Porterville  
291 North Main Street  
Porterville, CA 93257

**RE: Engagement Letter for  
November 16, 2017 – December 31, 2018**

Dear Mr. Lollis:

You requested a proposal, on an hourly basis, for consulting on special projects such as the GreenPower Bus project in Porterville and potentially other supply chain partners of the city. These, and similar type projects, would be billed at my discounted hourly rate of \$495 per hour. The hourly consulting work would be billed at the end of the month, together with any itemized expenses which have been pre-approved by you, and would be due on receipt.

To indicate acceptance of this proposal, please sign below and return a copy of this proposal to me. Feel free to contact me if you have any questions.

Very truly yours,

*Robert E. Cendejas*  
Robert E. Cendejas

**ACCEPTANCE OF THIS PROPOSAL:**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and Title



## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** Approve SCE Conversion from HPSV to LED streetlighting

**SOURCE:** Public Works

**COMMENT:** On June 1, 2016, the LS-1 Option E tariff became available to cities for streetlight retrofits. This new tariff allows SCE to replace HPSV lamps with more efficient LED lamps with no upfront capital costs to cities. Instead, capital costs will be amortized through energy cost savings over a 20-year period.

SCE counted all of the City's LS-1 streetlights and found as of January 2017 that the City had 3,432 streetlights eligible for conversion (see Rate Analysis attachment). Based on the various wattages throughout the City, an annual savings of \$28,134 will be experienced during the 20-year repayment period. The annual savings after the 20-year repayment period will be \$85,989.36 (see Post EEP Analysis attachment).

General Electric (GE) LED light fixtures are used for the LED replacement program and provide a choice of 3000 Kelvin degrees (3000K) or 4000 Kelvin degrees (4000K) color temperature (see Color Temp Specification attachment). In terms of perceived light color, the 3000K LED light is comparable to the City's existing HPSV lights and has been used in recent City projects such as the Putnam/D signal replacement project and along the Garden Avenue pedestrian project, east of the Rails to Trails path. The 4000K LED light is perceived to provide a whiter light. The attached picture shows a visual color comparison between HPSV and LEDs at 3000K and 4000K.

From an environmental standpoint, LED streetlights are helpful in that they conserve energy since very little is wasted on heat when compared to HPSV streetlights. In addition, the color of LED lights is critical in preserving human, animal, and plant circadian rhythms, otherwise known as internal biological clocks. The 3000K or lower color temperature mimics nature whereas colors approximating daylight (5000K) disrupt biological patterns by tricking the body into thinking it must remain active as it appears to be daytime.

The American Medical Association (AMA) studied the effects of light coloration, which is presented in the attached report, and discusses the effects of blue-rich LED lights on humans. Aesthetically, white and blue-white light produce more glare that is considered an annoyance during the nighttime. While the AMA supports conversion to LED technology for streetlights, the association recommends lower temperature light (3000K or less) to avoid detrimental effects on human health. Many cities have followed this approach

and have chosen 3000K LED lights and others such as the cities of Anaheim and Long Beach who initially chose 4000K shifted to 3000K in the middle of their projects and went back to replace the 4000K lights previously installed.

Staff recommends that Council support the SCE conversion from HPSV to LED and that a color temperature of 3000K is selected for the luminaire replacements.

RECOMMENDATION: That City Council:

1. Approve an LS-1 Option E agreement with Southern California Edison to replace high pressure sodium vapor (HPSV) streetlights with light-emitting device (LED) streetlights at 3000K color temperature; and
2. Authorize the City Manager or his designee to sign the contract documents.

ATTACHMENTS:

1. 1 Color Temp Specification 23 March 2017 JCK
2. AB719 LS-1 Option E Agreement
3. City of Porterville LS-1 Option E Post EEP Analysis 5.1.17
4. City of Porterville LS-1 Option E Rate Analysis 5.1.17
5. HPSV vs. LEDs at 3000K & 4000K
6. AMA LED Streetlight Health Report

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager

# Southern California Edison

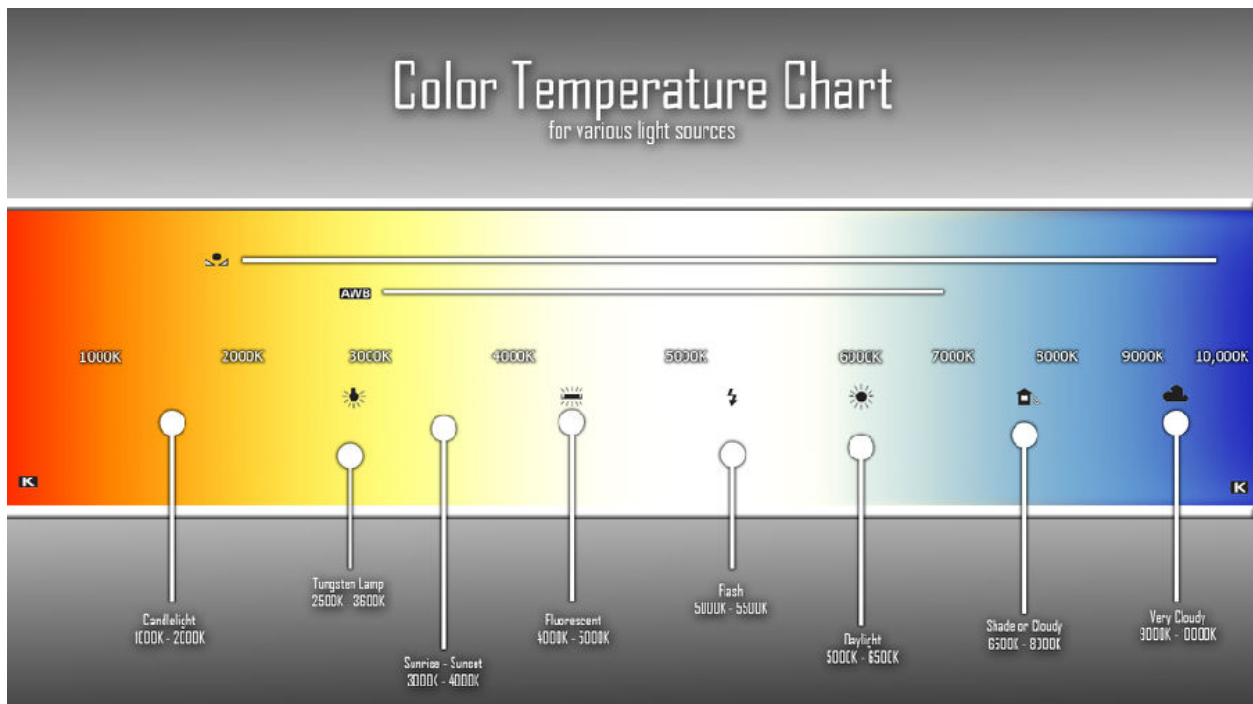
## LS-1 Option E

### Color Temperature Specification

At present, Southern California Edison is using current generation General Electric (GE) Evolve LED street light fixtures for LED replacements under the LS-1 Option E program. GE LED fixtures allow for a choice between color temperatures of either 4000 Kelvin degrees (4000k) or 3000 Kelvin degrees (3000k) at the customer's discretion. Please check the box below and sign to signify your preference for either 3000k or 4000k color temperature lights. Thank you.

3000k color temperature lights are considered "warm white" and will have more yellow and amber tones that are consistent with today's existing High Pressure Sodium street lights.

4000k color temperature lights are between warm and cool on the spectrum and will provide a "whiter" appearing light without crossing into the bluer spectrum.



Please check your choice of 3000k or 4000k

\_\_\_\_\_ 3000K

\_\_\_\_\_ 4000k

Local Government or Customer: \_\_\_\_\_

Printed Name of Authorized Signer: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



Southern California Edison  
Rosemead, California (U 338-E)

Original  
Cancelling

Cal. PUC Sheet No. 57074-E  
Cal. PUC Sheet No.

Sheet 1

SCHEDULE LS-1 OPTION E,  
ENERGY EFFICIENCY-LIGHT EMITTING DIODE (LED) FIXTURE REPLACEMENT  
RATE AGREEMENT

Form 14-965

(To be inserted by utility)

Advice 3241-E  
Decision 14-10-046

Issued by  
R.O. Nichols  
Senior Vice President

(To be inserted by Cal. PUC)

Date Filed Jun 30, 2015  
Effective Jun 1, 2016  
Resolution \_\_\_\_\_

**SOUTHERN CALIFORNIA EDISON COMPANY**  
**SCHEDULE LS-1 OPTION E, ENERGY EFFICIENCY-LIGHT EMITTING DIODE (LED)**  
**FIXTURE REPLACEMENT RATE AGREEMENT**

This Schedule LS-1 Option E, Energy Efficiency-Light Emitting Diode (LED) Fixture Replacement Rate Agreement (Agreement), effective this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ (Effective Date), is entered into between Southern California Edison Company (SCE) and \_\_\_\_\_, an SCE customer taking service on Schedule LS-1 (Applicant), referred to collectively as "Parties," and individually as "Party." This Agreement provides for SCE, at Applicant's request, to replace the existing street lighting fixtures serving Applicant's premises with Light Emitting Diode (LED) street lighting fixtures to achieve energy efficiency benefits for Applicant, as set forth in Special Condition 14, Option E, Energy Efficiency-Light Emitting Diode (LED) Fixture Replacement, of Schedule LS-1.

The Parties agree as follows:

**1. LED FIXTURES**

SCE shall install, own, operate, and maintain LED Fixtures for Applicant as set forth in Exhibit "A" attached hereto and incorporated herein by this reference. The LED Fixtures provided hereunder shall at all times remain the property of SCE.

**2. LED FIXTURE REPLACEMENT COSTS**

- 2.1 The replacement costs of the LED Fixtures provided hereunder shall be borne by Applicant.
- 2.2 Applicant shall pay the charge for the LED Fixtures Replacement rate, which includes an Energy Efficiency Premium Charge (EEPC) and a Base LED Charge, under Option E of Schedule LS-1. Applicant elects Option E in lieu of an upfront, one-time payment of the replacement costs.
- 2.3 SCE does not guarantee that any energy or bill savings will accrue to Applicant as a result of the LED Fixture replacements.

**3. COMMENCEMENT OF SERVICE**

The Parties agree that SCE has the right to charge Applicant, and Applicant has an obligation to pay SCE, for the charges set forth in Schedule LS-1, Option E, commencing on the date SCE begins serving the LED Fixtures installed pursuant to this Agreement.

**4. TERM AND TERMINATION**

- 4.1 This Agreement shall be effective as of the Effective Date and shall continue for a term of twenty (20) years from the commencement of service as specified in Section 3 above (Term).
- 4.2 Applicant may terminate this Agreement at any time during the Term upon a thirty (30) - day advance written notice, provided that Applicant, prior to or within the 30-day advance notice period, assigns the Agreement to any New Party In (NPI) that owns, rents or leases the premises served by the street lighting fixtures replaced under this Agreement and will take service under Option E of Schedule LS-1 effective as of the date of termination; *otherwise*, Applicant shall pay a one-time termination charge equal to the present value of the balance of the EEPC of Option E over the remaining Term. The present value is determined based on SCE's authorized rate of return on rate base, or discounted rate of 7.90%.

**SOUTHERN CALIFORNIA EDISON COMPANY  
SCHEDULE LS-1 OPTION E, ENERGY EFFICIENCY-LIGHT EMITTING DIODE (LED)  
FIXTURE REPLACEMENT RATE AGREEMENT**

**5. AMENDMENTS; ASSIGNMENTS**

- 5.1 Any changes or amendments to this Agreement must be in writing and must be executed by the Applicant and SCE and, if required, be approved by the California Public Utilities Commission (Commission).
- 5.2 Applicant shall not assign this Agreement without the prior written consent of SCE; provided, however, that Applicant may assign the Agreement pursuant to the terms and conditions of Section 4.2 above, and the NPI must assume all rights and obligations under this Agreement for the remaining Term. Any assignment and assumption shall be in a form acceptable to SCE.

**6. NOTICE**

Any notice either Applicant or SCE may wish to provide the other regarding this Agreement must be in writing. Such notice must be either hand-delivered or sent by U.S. certified or registered mail, postage prepaid, to the person designated to receive notice for the other Party below, or to such other address as either may designate by written notice. Notices delivered by hand shall be deemed effective when delivered. Notices delivered by mail shall be deemed effective when received, as acknowledged by the receipt of the certified or registered mailing.

Applicant:

SCE:

\_\_\_\_\_  
(Name)  
\_\_\_\_\_  
(Title)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_  
(City, State, Zip)

Business Customer Division  
Southern California Edison Company  
2244 Walnut Grove Avenue  
Rosemead, CA 91770

**7. NONWAIVER**

The failure of either Party to enforce any of the terms and conditions or to exercise any right or privilege in this Agreement shall not be construed as a waiver of any such term and conditions or rights or privileges, and the same shall continue and remain enforce and effect as if no such failure to enforce or exercise had occurred.

**8. SEVERABILITY**

In the event that any of the provisions, or portions thereof, of this Agreement are held to be unenforceable or invalid by the Commission, or any court of competent jurisdiction, the validity and enforceability of the remaining provisions or any portion thereof shall not be affected.

**9. APPLICABLE LAWS, RULES, AND REGULATIONS**

This Agreement shall be subject to, and interpreted under the laws, rules, decisions and regulations of the State of California, without regard to its conflict of laws principles, the Commission, and SCE's Commission-approved tariffs.

**SOUTHERN CALIFORNIA EDISON COMPANY  
SCHEDULE LS-1 OPTION E, ENERGY EFFICIENCY-LIGHT EMITTING DIODE (LED)  
FIXTURE REPLACEMENT RATE AGREEMENT**

**10. CALIFORNIA PUBLIC UTILITIES COMMISSION JURISDICTION**

- 10.1 This is a filed form tariff agreement authorized by the Commission for use by SCE. No officer, inspector, solicitor, agent or employee of SCE has any authority to waive, alter, or amend any part of this Agreement except as provided herein or authorized by the Commission. This Agreement is to be used in conjunction with Schedule LS-1 and supplements the terms and conditions of the Applicant's electric service under Schedule LS-1.
- 10.2 This Agreement shall at all times be subject to such changes or modifications by the Commission as said Commission may, from time to time, direct in the exercise of its jurisdiction.
- 10.3 Notwithstanding any other provisions of this Agreement, SCE has the right to unilaterally file with the Commission, pursuant to the Commission's rules and regulations, an application for change in rates, charges, classification, service, or rule or any agreement relating thereto.

**11. ENTIRE AGREEMENT**

This Agreement, including SCE's Commission-approved tariffs, constitutes the complete agreement and understanding between the Applicant and SCE regarding the LED Fixtures replacement costs. Prior agreements, representations, understandings, whether expressed or implied, and communications, oral or written, between the Applicant and SCE shall not be construed to be a part of this Agreement.

**12. AUTHORIZATION SIGNATURE**

In witness whereof, the Parties hereto have caused this Agreement to be signed by their duly authorized representatives.

**APPLICANT**

**BY:** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**DATE SIGNED:** \_\_\_\_\_

**SOUTHERN CALIFORNIA EDISON COMPANY**

**BY:** \_\_\_\_\_

**NAME:** \_\_\_\_\_

**TITLE:** \_\_\_\_\_

**DATE SIGNED:** \_\_\_\_\_



**SOUTHERN CALIFORNIA EDISON COMPANY**  
**EXHIBIT "A"**  
**SCHEDULE LS-1 OPTION E,**  
**ENERGY EFFICIENCY-LIGHT EMITTING DIODE (LED) FIXTURE REPLACEMENT**

APPLICANT

---

CUSTOMER ACCOUNT NO.

---

SERVICE ACCOUNT NO.

---

(Additional account numbers/addresses may be attached hereto.)

SERVICE ADDRESS

---

**APPLICANT REQUESTED READY TO SERVE DATE**

---

SCE READY TO SERVE DATE \_\_\_\_\_

DESCRIPTION OF **LED** FIXTURES/SCOPE OF WORK: SPECIFY HOW MANY STREET LIGHTING  
FIXTURE REPLACEMENTS ARE BEING REQUESTED AND AGREED TO UNDER THIS  
AGREEMENT AND OTHER RELEVANT DETAILS.

W.O. No(s): \_\_\_\_\_

**City of Porterville**

Customer Number: 10323

Additional Savings after the energy efficiency premium falls off after 20 years and beyond

| Wattage | Lamp Count | EEP Per Month | Estimated Monthly Savings |
|---------|------------|---------------|---------------------------|
| 50      | 0          | \$1.32        | \$0.00                    |
| 70      | 1825       | \$1.32        | \$2409.00                 |
| 100     | 597        | \$1.36        | \$811.92                  |
| 150     | 633        | \$1.48        | \$936.84                  |
| 200     | 377        | \$1.76        | \$663.52                  |
| 250     | 0          | \$1.97        | \$0.00                    |
| 310     | 0          | \$0.00        | \$0.00                    |
| 410     | 0          | \$2.79        | \$0.00                    |
| TOTAL   |            |               | \$4,821.28                |

Estimated Additional monthly savings after 20 years: \$4,821.28

Estimated Additional annual savings after 20 years: \$57,855.36

**Estimated Annual Savings During 20 Year Repayment:** \$28,134.00

**Estimated Annual Savings Post 20 Year Repayment:** \$85,989.36

**City of Porterville**

Customer Number: 10323

CONFIDENTIAL

| <b>Lamp Wattage</b> | <b>Lamp Count</b> | <b>Estimated High Pressure Sodium Vapor (HPSV) Annual Costs</b> | <b>Estimated Light Emitting Diode (LED) Annual Costs</b> | <b>Estimated Annual Savings</b> |
|---------------------|-------------------|-----------------------------------------------------------------|----------------------------------------------------------|---------------------------------|
| 50 Watt             | 0                 | \$0                                                             | \$0                                                      | \$0                             |
| 70 Watt             | 1,825             | \$233,235                                                       | \$230,388                                                | \$2,847                         |
| 100 Watt            | 597               | \$82,887                                                        | \$78,016                                                 | \$4,872                         |
| 150 Watt            | 633               | \$106,496                                                       | \$96,621                                                 | \$9,875                         |
| 200 Watt            | 377               | \$71,434                                                        | \$60,893                                                 | \$10,541                        |
| 250 Watt            | 0                 | \$0                                                             | \$0                                                      | \$0                             |
| 310 Watt            | 0                 | \$0                                                             | \$0                                                      | \$0                             |
| 410 Watt            | 0                 | \$0                                                             | \$0                                                      | \$0                             |
| <b>Total</b>        | <b>3,432</b>      | <b>\$494,052</b>                                                | <b>\$465,918</b>                                         | <b>\$28,134</b>                 |

This analysis is only a 12 month estimate and the results presented are based on HPSV Lamp Wattage and counts above as of January 2017, LED wattage conversion lamps available as of October 2016, and January 1, 2017 rates. This analysis excludes the following when applicable: Tap Device Charge, State Tax, Utility Users Tax, and Generation Municipal Surcharge. The analysis does not include costs associated with Incandescent, Mercury Vapor, Low Pressure Sodium Vapor, Metal Halide, or already existing LED Lamps. Actual costs may vary due to factors including but not limited to, rate changes, factor changes, wattage conversion changes, excluded cost components.



Existing 2200 Kelvin HPS



3000 Kelvin



4000 Kelvin

# REPORT OF THE COUNCIL ON SCIENCE AND PUBLIC HEALTH

CSAPH Report 2-A-16

Subject: Human and Environmental Effects of Light Emitting Diode (LED) Community Lighting

Presented by: Louis J. Kraus, MD, Chair

Referred to: Reference Committee E  
(Theodore Zanker, MD, Chair)

---

## INTRODUCTION

With the advent of highly efficient and bright light emitting diode (LED) lighting, strong economic arguments exist to overhaul the street lighting of U.S. roadways.<sup>1-3</sup> Valid and compelling reasons driving the conversion from conventional lighting include the inherent energy efficiency and longer lamp life of LED lighting, leading to savings in energy use and reduced operating costs, including taxes and maintenance, as well as lower air pollution burden from reduced reliance on fossil-based carbon fuels.

Not all LED light is optimal, however, when used as street lighting. Improper design of the lighting fixture can result in glare, creating a road hazard condition.<sup>4,5</sup> LED lighting also is available in various color correlated temperatures. Many early designs of white LED lighting generated a color spectrum with excessive blue wavelength. This feature further contributes to disability glare, i.e., visual impairment due to stray light, as blue wavelengths are associated with more scattering in the human eye, and sufficiently intense blue spectrum damages retinas.<sup>6,7</sup> The excessive blue spectrum also is environmentally disruptive for many nocturnal species. Accordingly, significant human and environmental concerns are associated with short wavelength (blue) LED emission. Currently, approximately 10% of existing U.S. street lighting has been converted to solid state LED technology, with efforts underway to accelerate this conversion. The Council is undertaking this report to assist in advising communities on selecting among LED lighting options in order to minimize potentially harmful human health and environmental effects.

## METHODS

English language reports published between 2005 and 2016 were selected from a search of the PubMed and Google Scholar databases using the MeSH terms “light,” “lighting methods,” “color,” “photoc stimulation,” and “adverse effects,” in combination with “circadian rhythm/physiology/radiation effects,” “radiation dosage/effects,” “sleep/physiology,” “ecosystem,” “environment,” and “environmental monitoring.” Additional searches using the text terms “LED” and “community,” “street,” and “roadway lighting” were conducted. Additional information and perspective were supplied by recognized experts in the field.

## ADVANTGAGES AND DISADVANAGES OF LED STREET LIGHTS

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Action of the AMA House of Delegates 2016 Annual Meeting: Council on Science and Public Health Report 2 Recommendations Adopted and Remainder of Report Filed.

The main reason for converting to LED street lighting is energy efficiency; LED lighting can reduce energy consumption by up to 50% compared with conventional high pressure sodium (HPS) lighting. LED lighting has no warm up requirement with a rapid “turn on and off” at full intensity. In the event of a power outage, LED lights can turn on instantly when power is restored, as opposed to sodium-based lighting requiring prolonged warm up periods. LED lighting also has the inherent capability to be dimmed or tuned, so that during off peak usage times (e.g., 1 to 5 AM), further energy savings can be achieved by reducing illumination levels. LED lighting also has a much longer lifetime (15 to 20 years, or 50,000 hours), reducing maintenance costs by decreasing the frequency of fixture or bulb replacement. That lifespan exceeds that of conventional HPS lighting by 2-4 times. Also, LED lighting has no mercury or lead, and does not release any toxic substances if damaged, unlike mercury or HPS lighting. The light output is very consistent across cold or warm temperature gradients. LED lights also do not require any internal reflectors or glass covers, allowing higher efficiency as well, if designed properly.<sup>8,9</sup>

Despite the benefits of LED lighting, some potential disadvantages are apparent. The initial cost is higher than conventional lighting; several years of energy savings may be required to recoup that initial expense.<sup>10</sup> The spectral characteristics of LED lighting also can be problematic. LED lighting is inherently narrow bandwidth, with “white” being obtained by adding phosphor coating layers to a high energy (such as blue) LED. These phosphor layers can wear with time leading to a higher spectral response than was designed or intended. Manufacturers address this problem with more resistant coatings, blocking filters, or use of lower color temperature LEDs. With proper design, higher spectral responses can be minimized. LED lighting does not tend to abruptly “burn out,” rather it dims slowly over many years. An LED fixture generally needs to be replaced after it has dimmed by 30% from initial specifications, usually after about 15 to 20 years.<sup>1,11</sup>

Depending on the design, a large amount blue light is emitted from some LEDs that appear white to the naked eye. The excess blue and green emissions from some LEDs lead to increased light pollution, as these wavelengths scatter more within the eye and have detrimental environmental and glare effects. LED’s light emissions are characterized by their correlated color temperature (CCT) index.<sup>12,13</sup> The first generation of LED outdoor lighting and units that are still widely being installed are “4000K” LED units. This nomenclature (Kelvin scale) reflects the equivalent color of a heated metal object to that temperature. The LEDs are cool to the touch and the nomenclature has nothing to do with the operating temperature of the LED itself. By comparison, the CCT associated with daylight light levels is equivalent to 6500K, and high pressure sodium lighting (the current standard) has a CCT of 2100K. Twenty-nine percent of the spectrum of 4000K LED lighting is emitted as blue light, which the human eye perceives as a harsh white color. Due to the point-source nature of LED lighting, studies have shown that this intense blue point source leads to discomfort and disability glare.<sup>14</sup>

More recently engineered LED lighting is now available at 3000K or lower. At 3000K, the human eye still perceives the light as “white,” but it is slightly warmer in tone, and has about 21% of its emission in the blue-appearing part of the spectrum. This emission is still very blue for the nighttime environment, but is a significant improvement over the 4000K lighting because it reduces discomfort and disability glare. Because of different coatings, the energy efficiency of 3000K lighting is only 3% less than 4000K, but the light is more pleasing to humans and has less of an impact on wildlife.

#### *Glare*

Disability glare is defined by the Department of Transportation (DOT) as the following:

1 “Disability glare occurs when the introduction of stray light into the eye reduces the ability to  
2 resolve spatial detail. It is an objective impairment in visual performance.”

3 Classic models of this type of glare attribute the deleterious effects to intraocular light scatter in the  
4 eye. Scattering produces a veiling luminance over the retina, which effectively reduces the contrast  
5 of stimulus images formed on the retina. The disabling effect of the veiling luminance has serious  
6 implications for nighttime driving visibility.<sup>15</sup>

7  
8 Although LED lighting is cost efficient and inherently directional, it paradoxically can lead to  
9 worse glare than conventional lighting. This glare can be greatly minimized by proper lighting  
10 design and engineering. Glare can be magnified by improper color temperature of the LED, such as  
11 blue-rich LED lighting. LEDs are very intense point sources that cause vision discomfort when  
12 viewed by the human eye, especially by older drivers. This effect is magnified by higher color  
13 temperature LEDs, because blue light scatters more within the human eye, leading to increased  
14 disability glare.<sup>16</sup>

15  
16 In addition to disability glare and its impact on drivers, many residents are unhappy with bright  
17 LED lights. In many localities where 4000K and higher lighting has been installed, community  
18 complaints of glare and a “prison atmosphere” by the high intensity blue-rich lighting are common.  
19 Residents in Seattle, WA have demanded shielding, complaining they need heavy drapes to be  
20 comfortable in their own homes at night.<sup>17</sup> Residents in Davis, CA demanded and succeeded in  
21 getting a complete replacement of the originally installed 4000K LED lights with the 3000K  
22 version throughout the town at great expense.<sup>18</sup> In Cambridge, MA, 4000K lighting with dimming  
23 controls was installed to mitigate the harsh blue-rich lighting late at night. Even in places with a  
24 high level of ambient nighttime lighting, such as Queens in New York City, many complaints were  
25 made about the harshness and glare from 4000K lighting.<sup>19</sup> In contrast, 3000K lighting has been  
26 much better received by citizens in general.

### 27 28 *Unshielded LED Lighting*

29  
30 Unshielded LED lighting causes significant discomfort from glare. A French government report  
31 published in 2013 stated that due to the point source nature of LED lighting, the luminance level of  
32 unshielded LED lighting is sufficiently high to cause visual discomfort regardless of the position,  
33 as long as it is in the field of vision. As the emission surfaces of LEDs are highly concentrated  
34 point sources, the luminance of each individual source easily exceeds the level of visual  
35 discomfort, in some cases by a factor of 1000.<sup>17</sup>

36  
37 Discomfort and disability glare can decrease visual acuity, decreasing safety and creating a road  
38 hazard. Various testing measures have been devised to determine and quantify the level of glare  
39 and vision impairment by poorly designed LED lighting.<sup>20</sup> Lighting installations are typically  
40 tested by measuring foot-candles per square meter on the ground. This is useful for determining the  
41 efficiency and evenness of lighting installations. This method, however, does not take into account  
42 the human biological response to the point source. It is well known that unshielded light sources  
43 cause pupillary constriction, leading to worse nighttime vision between lighting fixtures and  
44 causing a “veil of illuminance” beyond the lighting fixture. This leads to worse vision than if the  
45 light never existed at all, defeating the purpose of the lighting fixture. Ideally LED lighting  
46 installations should be tested in real life scenarios with effects on visual acuity evaluated in order to  
47 ascertain the best designs for public safety.

### 48 49 *Proper Shielding*

50

With any LED lighting, proper attention should be paid to the design and engineering features. LED lighting is inherently a bright point source and can cause eye fatigue and disability glare if it is allowed to directly shine into human eyes from roadway lighting. This is mitigated by proper design, shielding and installation ensuring that no light shines above 80 degrees from the horizontal. Proper shielding also should be used to prevent light trespass into homes alongside the road, a common cause of citizen complaints. Unlike current HPS street lighting, LEDs have the ability to be controlled electronically and dimmed from a central location. Providing this additional control increases the installation cost, but may be worthwhile because it increases long term energy savings and minimizes detrimental human and environmental lighting effects. In environmentally sensitive or rural areas where wildlife can be especially affected (e.g., near national parks or bio-rich zones where nocturnal animals need such protection), strong consideration should be made for lower emission LEDs (e.g., 3000K or lower lighting with effective shielding). Strong consideration also should be given to the use of filters to block blue wavelengths (as used in Hawaii), or to the use of inherent amber LEDs, such as those deployed in Quebec. Blue light scatters more widely (the reason the daytime sky is “blue”), and unshielded blue-rich lighting that travels along the horizontal plane increases glare and dramatically increases the nighttime sky glow caused by excessive light pollution.

#### POTENTIAL HEALTH EFFECTS OF “WHITE” LED STREET LIGHTING

Much has been learned over the past decade about the potential adverse health effects of electric light exposure, particularly at night.<sup>21-25</sup> The core concern is disruption of circadian rhythmicity. With waning ambient light, and in the absence of electric lighting, humans begin the transition to nighttime physiology at about dusk; melatonin blood concentrations rise, body temperature drops, sleepiness grows, and hunger abates, along with several other responses.

A number of controlled laboratory studies have shown delays in the normal transition to nighttime physiology from evening exposure to tablet computer screens, backlit e-readers, and room light typical of residential settings.<sup>26-28</sup> These effects are wavelength and intensity dependent, implicating bright, short wavelength (blue) electric light sources as disrupting transition. These effects are not seen with dimmer, longer wavelength light (as from wood fires or low wattage incandescent bulbs). In human studies, a short-term detriment in sleep quality has been observed after exposure to short wavelength light before bedtime. Although data are still emerging, some evidence supports a long-term increase in the risk for cancer, diabetes, cardiovascular disease and obesity from chronic sleep disruption or shiftwork and associated with exposure to brighter light sources in the evening or night.<sup>25,29</sup>

Electric lights differ in terms of their circadian impact.<sup>30</sup> Understanding the neuroscience of circadian light perception can help optimize the design of electric lighting to minimize circadian disruption and improve visual effectiveness. White LED streetlights are currently being marketed to cities and towns throughout the country in the name of energy efficiency and long term cost savings, but such lights have a spectrum containing a strong spike at the wavelength that most effectively suppresses melatonin during the night. It is estimated that a “white” LED lamp is at least 5 times more powerful in influencing circadian physiology than a high pressure sodium light based on melatonin suppression.<sup>31</sup> Recent large surveys found that brighter residential nighttime lighting is associated with reduced sleep time, dissatisfaction with sleep quality, nighttime awakenings, excessive sleepiness, impaired daytime functioning, and obesity.<sup>29,32</sup> Thus, white LED street lighting patterns also could contribute to the risk of chronic disease in the populations of cities in which they have been installed. Measurements at street level from white LED street lamps are needed to more accurately assess the potential circadian impact of evening/nighttime exposure to these lights.





## ENVIRONMENTAL EFFECTS OF LED LIGHTING

The detrimental effects of inefficient lighting are not limited to humans; 60% of animals are nocturnal and are potentially adversely affected by exposure to nighttime electrical lighting. Many birds navigate by the moon and star reflections at night; excessive nighttime lighting can lead to reflections on glass high rise towers and other objects, leading to confusion, collisions and death.<sup>33</sup> Many insects need a dark environment to procreate, the most obvious example being lightning bugs that cannot “see” each other when light pollution is pronounced. Other environmentally beneficial insects are attracted to blue-rich lighting, circling under them until they are exhausted and die.<sup>34,35</sup> Unshielded lighting on beach areas has led to a massive drop in turtle populations as hatchlings are disoriented by electrical light and sky glow, preventing them from reaching the water safely.<sup>35-37</sup> Excessive outdoor lighting diverts the hatchlings inland to their demise. Even bridge lighting that is “too blue” has been shown to inhibit upstream migration of certain fish species such as salmon returning to spawn. One such overly lit bridge in Washington State now is shut off during salmon spawning season.

Recognizing the detrimental effects of light pollution on nocturnal species, U.S. national parks have adopted best lighting practices and now require minimal and shielded lighting. Light pollution along the borders of national parks leads to detrimental effects on the local bio-environment. For example, the glow of Miami, FL extends throughout the Everglades National Park. Proper shielding and proper color temperature of the lighting installations can greatly minimize these types of harmful effects on our environment.

## CONCLUSION

Current AMA Policy supports efforts to reduce light pollution. Specific to street lighting, Policy H-135.932 supports the implementation of technologies to reduce glare from roadway lighting. Thus, the Council recommends that communities considering conversion to energy efficient LED street lighting use lower CCT lights that will minimize potential health and environmental effects. The Council previously reviewed the adverse health effects of nighttime lighting, and concluded that pervasive use of nighttime lighting disrupts various biological processes, creating potentially harmful health effects related to disability glare and sleep disturbance.<sup>25</sup>

## RECOMMENDATIONS

The Council on Science and Public Health recommends that the following statements be adopted, and the remainder of the report filed.

1. That our American Medical Association (AMA) support the proper conversion to community-based Light Emitting Diode (LED) lighting, which reduces energy consumption and decreases the use of fossil fuels. (New HOD Policy)
2. That our AMA encourage minimizing and controlling blue-rich environmental lighting by using the lowest emission of blue light possible to reduce glare. (New HOD Policy)
3. That our AMA encourage the use of 3000K or lower lighting for outdoor installations such as roadways. All LED lighting should be properly shielded to minimize glare and detrimental human and environmental effects, and consideration should be given to utilize the ability of LED lighting to be dimmed for off-peak time periods. (New HOD Policy)

Fiscal Note: Less than \$500

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## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** Approval for Community Civic Event - Porterville Breakfast Rotary Club - Cancer Center Run and Walk - May 5, 2018

**SOURCE:** Finance

**COMMENT:** Porterville Breakfast Rotary is requesting approval to hold their annual 5K Cancer Center Run on Saturday, May 5, 2018, from 6:00 a.m. to 11:00 a.m. The 5K run will start at Tulsa Street and Putnam Avenue, head south to Olive Avenue, turn west on Olive Avenue, turn north on Crestview Street, then east on Morton Avenue, turn south on Conner Street, and turn east on Putnam to finish at Tulsa Street. No street closures are requested.

This request is made under the Community Civic Events Ordinance No. 1326, as amended. The application has been routed according to the ordinance regulations and reviewed by all departments involved. The requirements are listed on the attached copy of the Application and Agreement and Exhibit A and Exhibit B.

**RECOMMENDATION:** That the City Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

**ATTACHMENTS:**

1. Community Civic Event Application and Agreement, Exhibit A, Exhibit B, Map, Outside Amplifier Permit and Certificate of Liability Insurance

**Appropriated/Funded:**

**Review By:**

Department Director:

Maria Bemis, Finance Director

Final Approver: Patrice Hildreth, Administrative Services Dir

## CITY OF PORTERVILLE

291 N. Main Street, Porterville, CA 93257  
559-782-7451 Fax: 784-4569 www.ci.porterville.ca.us



(Incomplete applications can delay permit process)

**APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A  
COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY**

DO YOU HAVE? Event Flyer? E-mail address? Website?  
Application date: 2/13/18 Event date: 5/5/18  
Event time: 8:00 A.M.

Name of Event: Porterville Breakfast Rotary Cancer Center Run/Walk

Sponsoring organization: PBRC Phone # \_\_\_\_\_

Address: P.O. Box 149, Pville, CA 93258

Authorized representative: Leo Cortez Phone # \_\_\_\_\_

Address: \_\_\_\_\_

Event chairperson: Jenni Byers Phone # 782-7460

Location of event Granite Hills High School  
(Location map must be attached)

Type of event: 5k Run/Walk

Non-profit organization status: 501c3 EIN 91-1797687 BL# 003484  
(IRS Determination)

City services requested (fees associated with these services will be billed separately):

Barricades (quantity): \_\_\_\_\_ Street sweeping Yes \_\_\_\_\_ No \_\_\_\_\_

Police protection Yes \_\_\_\_\_ No \_\_\_\_\_ Refuse pickup Yes \_\_\_\_\_ No \_\_\_\_\_

Other: Signal Control, Police escort

Parks facility application required: Yes \_\_\_\_\_ No ☒ Attached \_\_\_\_\_

Assembly permit required: Yes \_\_\_\_\_ No ☒ Attached \_\_\_\_\_

STAFF COMMENTS (list special requirements or conditions for event):

Appr. Deny

|       |       |                   |       |
|-------|-------|-------------------|-------|
| _____ | _____ | Bus. Lic. Spvr.   | _____ |
| _____ | _____ | Pub. Works Dir.   | _____ |
| _____ | _____ | Comm. Dev. Dir.   | _____ |
| _____ | _____ | Field Svcs. Mgr.  | _____ |
| _____ | _____ | Fire Chief        | _____ |
| _____ | _____ | Parks Dir.        | _____ |
| _____ | _____ | Police Chief      | _____ |
| _____ | _____ | Admin. Svcs. Dir. | _____ |

# CITY OF PORTERVILLE

## APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY TO BE HELD ON PUBLIC PROPERTY

### ***What constitutes a Community Civic Event?***

A non-profit organization wishes to sponsor an event that is open to the community at large and will utilize public property. Most of the time, Community Civic Events require street or sidewalk closures. This application must be submitted NO LESS THAN 30 DAYS PRIOR to the date of the event in order to obtain City Council approval.

**All City Code requirements** are described in ordinance 15-20 (e) 1-23 and as amended in ordinance 1613. For a full description please visit our City of Porterville website at [www.ci.porterville.ca.us/govt/CityClerk/](http://www.ci.porterville.ca.us/govt/CityClerk/), Porterville Municipal Codes. For questions or concerns please call 559-782-7451 or 559-782-7457. Any person who violates the provisions in this code, shall be deemed guilty of either a misdemeanor or an infraction, with penalties of one hundred (\$100) for the first violation.

**Liability insurance:** The sponsoring organization/applicant agrees to provide and keep in force during the term of this permit a policy of liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage which may arise in any way during the term of this permit. **The City of Porterville and Successor Agency to the Porterville Redevelopment Agency shall be named as additional insured.** A Certificate of Liability Insurance and Additional Insured Endorsement sample forms are enclosed for your convenience. **This original certificate and endorsement shall be submitted to the Finance Department prior to the City of Porterville Council's approval.** *The council shall condition the granting of a CCE permit upon the sponsoring entity's filing with the council a policy of public liability insurance in which the city has been named as insured or coinsured with the permittee. The policy of insurance shall insure the city, its officers, and its employees against all claims arising out of, or in connection with, the issuance of the CCE permit or the operation of the permittee or its agents or representatives, pursuant to the permit. The policy of insurance shall provide coverage of no less than one million dollars (\$1,000,000.00) per occurrence of bodily injury and property damage, combined single limit. (Ordinance 15-20(e) 18)*

JB Authorized Representative Initial

**Alcohol liability insurance:** Organization/Applicant will obtain an alcohol permit if any alcoholic beverages are to be served. The insurance policy shall be endorsed to include **full liquor liability** in an amount not less than one million dollars (\$1,000,000) per occurrence. The City of Porterville shall be named as additional insured against all claims arising out of or in connection with the issuance of this permit or the operation of the permitted, his/her agents or representatives pursuant the permit. **Claims-made policies are not acceptable.**

JB Authorized Representative Initials

**Health permit:** Organization/Applicant will obtain or ensure that all participants obtain a 'Temporary Food Facilities' permit(s) from the Tulare County Public Health Department, if any food is to be served in connection with this Community Civic Event. To contact the Tulare County Environmental Health Department located at 5957 S. Mooney Blvd., Visalia, CA, 93277, call 559-733-6441, or fax information to 559-733-6932; or visit their website: [www.tularehhsa.org](http://www.tularehhsa.org).

JB Authorized Representative Initials

**First aid station:** Organization/Applicant will establish a first aid station, with clearly posted signs, to provide basic emergency care, such as ice/hot packs, bandages, and compresses.

JB Authorized Representative Initials

**Toilet rental service:** Applicant shall have care, custody and control of the equipment and shall bear responsibility and liability for all loss and damage to the equipment and for its contents while at the City's location. Applicant shall not overload, move or alter the equipment and shall use the equipment for its intended purpose. Applicant shall be responsible for any damages to City's property resulting from company's provision of services hereunder. Applicant shall confirm with the service company the number of portable toilets, standard and handicap, and wash sinks needed for the number of expected attendees.

JB Authorized Representative Initials

**Agreement:** The sponsoring organization/applicant agrees to comply with all provisions of the Community Civic Event Ordinance 15-20(e), as amended, and the terms and conditions set forth by City Council and stated in Exhibit 'A.' The sponsoring organization/applicant agrees, during the term of this permit, to secure and hold the City free and harmless from all loss, liability, and claims for damages, costs and charges of any kind or character arising out of, relating to, or in any way connected with his/her performance of this permit. Said agreement to hold harmless shall include and extend to any injury to any person or persons, or property of any kind whatsoever and to whomever belonging, including, but not limited to, said organization/applicant, and shall not be liable to the City for any injury to persons or property which may result solely or primarily from the action or non-action of the City or its directors, officers, or employees. Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

|                                     |                 |         |
|-------------------------------------|-----------------|---------|
| Porterville Breakfast Rotary (PBRC) | <u>JB Bynum</u> | 2/13/18 |
| (Name of Organization)              | (Signature)     | (Date)  |



## CITY OF PORTERVILLE

VENDOR/PARTICIPANT LIST IN CONNECTION WITH THE APPLICATION AND  
AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER ACTIVITY  
TO BE HELD ON PUBLIC PROPERTY

Name of event: Cancer Center 5K Run/Walk TO BE HELD ON PUBLIC PROPERTY

Sponsoring organization: Porterville Breakfast Rotary

Location: Granite Hills High School Event date: 5/5/18 Event time: 8:00 AM

All vendors are required to complete the business license permit form. List all firms, individuals, organizations, etc., that will engage in selling at or participate in the above-named event. **NO PERMIT WILL BE ISSUED WITHOUT THIS INFORMATION.** Vendors with no valid City of Porterville business license are required to pay \$1 per day to the City, with the exceptions of non-profit organizations per \*City of Porterville Municipal Code 15-20(E) Community Civic Events (16). This form should be completed at the time of application, but must be submitted **NO LESS THAN ONE WEEK PRIOR TO THE EVENT.**

[illegible]

**\*Municipal Code 15-20(E) Community Civic Events (16):** *Business License Fees: Any individual, company, firm, concessionaire, fair operator, carnival operator, etc., who engages in, conducts, organizes, or promotes business for profit shall pay a business license fee of one dollar (\$1.00) per day per amusement, entertainment, exhibit, ride or per booth, space, stall, stand or other unenclosed location used for the purpose of advertising, promoting, or sale of, or taking orders for, goods or services; except that no individual, company, firm, concessionaire, fair operator, carnival operator, etc., who possesses a valid city business license shall be subject to separate licensing pursuant to this subsection E16.*

The nonprofit sponsor shall collect said fee and remit the fee to the city within five (5) working days following the CCE. Said remittance shall be accompanied by a complete list of participants and consecutively numbered receipts written in triplicate, containing the name, address and telephone number of the licensee, and the licensee's California seller's permit number. Said receipts shall be furnished by the city. One copy of the receipt shall be furnished to the licensee, one copy filed with the finance department of the city, and one copy retained by the CCE sponsor for a period of three (3) years for audit purposes.

## CITY OF PORTERVILLE

REQUEST FOR STREET CLOSURES AND PUBLIC PROPERTY USAGE IN CONNECTION WITH THE  
APPLICATION AND AGREEMENT FOR A PERMIT TO HOLD A COMMUNITY CIVIC EVENT OR OTHER  
ACTIVITY TO BE HELD ON PUBLIC PROPERTY

Name of event: Porterville Breakfast Rotary Cancer Center Run/Walk

Sponsoring organization: PBRC

Event date: 5/5/18 Hours: 6am to 11am

**ATTACH MAP MARKING AREAS TO BE CLOSED OR USED:**

| Closed                         |                           |                     |                 |
|--------------------------------|---------------------------|---------------------|-----------------|
| <u>Street Name</u>             | <u>From</u>               | <u>To</u>           | <u>Activity</u> |
| Putnam                         |                           |                     | 5k Run/Walk     |
| Olive                          |                           |                     |                 |
| Crestview                      |                           |                     |                 |
| Morton                         |                           |                     |                 |
| Conner                         |                           |                     |                 |
|                                |                           |                     |                 |
|                                |                           |                     |                 |
|                                |                           |                     |                 |
|                                |                           |                     |                 |
| <u>Sidewalks</u>               | <u>From</u>               | <u>To</u>           | <u>Activity</u> |
| Putnam                         |                           |                     |                 |
| Olive                          |                           |                     |                 |
| Crestview                      |                           |                     |                 |
| Morton                         |                           |                     |                 |
| Conner                         |                           |                     |                 |
|                                |                           |                     |                 |
|                                |                           |                     |                 |
| <u>Parking lots and spaces</u> | <u>Location</u>           | <u>Activity</u>     |                 |
|                                | Granite Hills High School | Participant Parking |                 |
|                                |                           |                     |                 |
|                                |                           |                     |                 |
|                                |                           |                     |                 |

Requirements for Community Civic Event  
Porterville Breakfast Rotary  
Cancer Center Run  
May 5, 2018

Finance Director:  
*M. Bemis*

Assistant City Engineer:  
*J. Sanchez*

Community Development Manager:                      No comments  
*J. Phillips*

Field Services Manager:  
*M. Knight*

Battalion Chief of Operations:  
*R. Land*

Parks and Leisure Services Director:                      No comments.  
*D. Moore*

Police Lieutenant:                                              See Conditions/Requirements for  
*R. Standridge*                                              Special Event in Exhibit B.

Administrative Services Director:                      See attached Exhibit A, page 2.  
*P. Hildreth*

## Requirements for Community Civic Event

Sponsor: Porterville Breakfast Rotary  
Event: Cancer Center Run  
Event Chairman: Jenni Byers  
Location: Granite Hills High School  
Date of Event: May 5, 2018  
Time of Event: 8:00 a.m. to 11:00 a.m.

### RISK MANAGEMENT: Conditions of Approval

That the Porterville Breakfast Rotary provide a Certificate of Commercial General Liability Insurance Coverage evidencing coverage of not less than \$1,000,000 per occurrence, and having the appropriate Endorsement naming the City of Porterville, its Officers, Employees, Agents and Volunteers as 'Additional Insured' against all claims arising from, or in connection with, the Permittee's operation and sponsorship of the aforementioned Community Civic Event.

- a. Said Certificate of Insurance shall be an original (fax and xerographic copies not acceptable), the Certificate shall be signed by an agent authorized to bind insurance coverage with the carrier, and the deductible, if any, shall not be greater than \$1,000.
- a. Said insurance shall be primary to the insurance held by the City of Porterville, be with a company having an A.M. Best Rating of no less than A: VII, and the insurance company must be an 'admitted' insurer in the State of California.

Approval of the Community Civic Events Permit by the Porterville City Council pertains only to authorized activities conducted at designated locations within the incorporated area of the City of Porterville, and such approval shall not be construed or interpreted to authorize sponsor utilization of public right-of-ways outside of the jurisdiction of the City of Porterville.

# PORTERVILLE POLICE DEPARTMENT

## Conditions/Requirements for Special Event

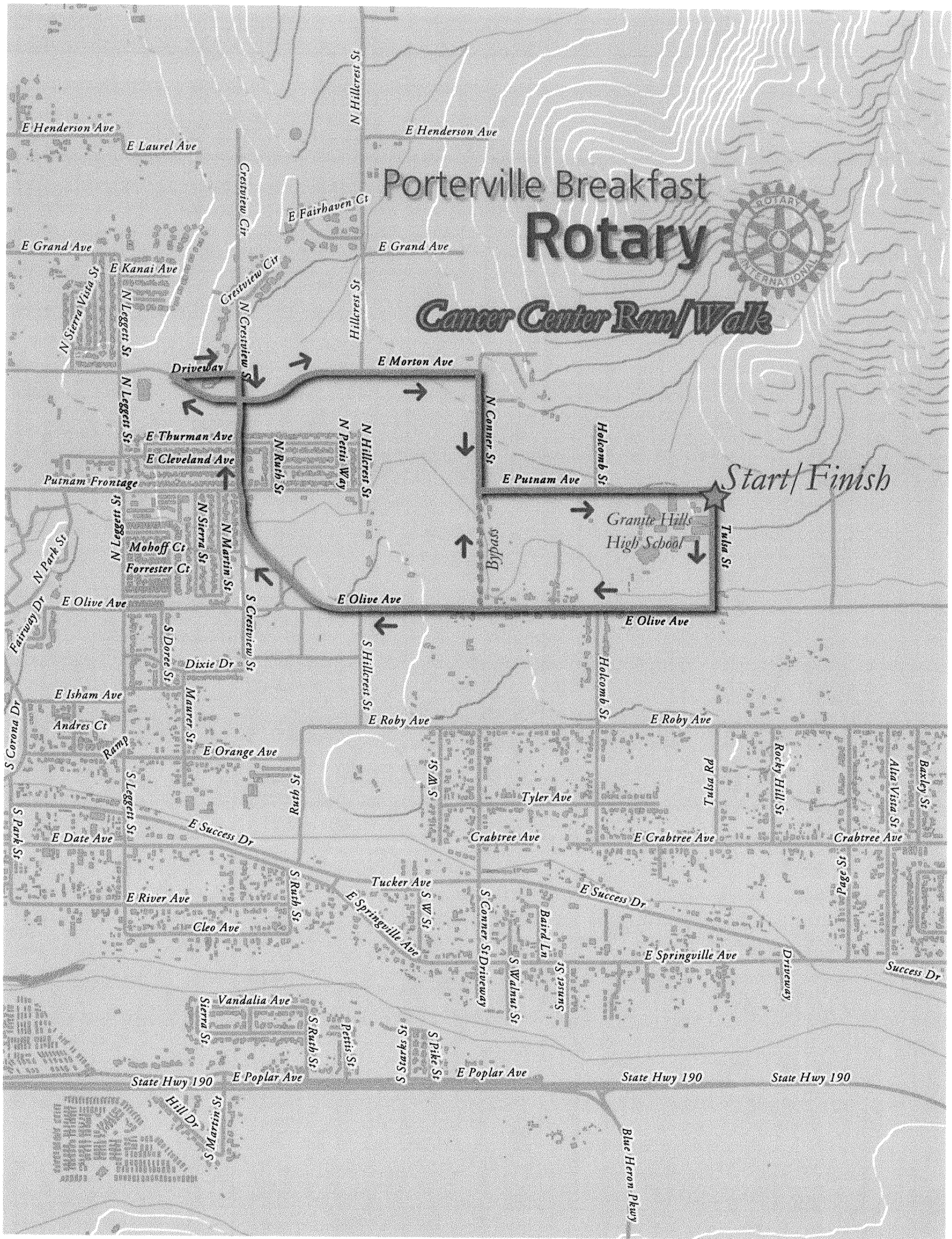
### **Porterville Breakfast Rotary Cancer Run May 5<sup>th</sup>, 2018**

- ▶ Aid stations and check points must be out of the roadway and not in a position to interfere with traffic.
- ▶ Staff at aid stations and check points should have a means of communication by which they may summon assistance in the event of an emergency.
- ▶ Event staff on the race route should wear highly visible attire.
- ▶ Participants should be directed to stay to the side of the roadway and not disrupt the normal flow of traffic.
- ▶ Event organizers should contact the Police Dept. (Special Events Coordinator) to obtain police support and/or assistance, with the goal of ensuring a safe event. Please contact Sergeant Mark Knox at 782-7400 if you have any questions or require further assistance.

Rich Standridge, Lieutenant  
Porterville Police Department



*Start/Finish*





CITY OF PORTERVILLE  
OUTSIDE AMPLIFIER PERMIT  
(City Ordinances #18-9 & 18-14)



This application must be submitted ten (10) days prior to the date of the event. A copy of this permit must be at the operating premises of the amplifying equipment for which this registration is issued.

1 Name and home address of the applicant:

Jenni Byers Address on Record

2 Address where amplification equipment is to be used:

GH High School 1701 E. Pitman

3 Names and addresses of all persons who will use or operate the amplification equipment:

4 Type of event for which amplification equipment will be used:

5k Run/Walk

5 Dates and hours of operation of amplification equipment:

May 5, 2018 6am to 11am

6 A general description of the sound amplifying equipment to be used:

Section 18-9

It shall be unlawful for any person within the city to use or operate or cause to be operated or to play any radio, phonograph, jukebox, record player, loudspeaker, musical instrument, mechanical device, machine, apparatus, or instrument for intensification or amplification of the human voice or any sound or noise in a manner so loud as to be calculated to disturb the peace and good order of the neighborhood or sleep of ordinary persons in nearby residences or so loud as to unreasonably disturb and interfere with the peace and comfort of the occupants of nearby residences.

The operation of any such instrument, phonograph, jukebox, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100') from the building, structure, vehicle, or place in which, or on which it is situated or located shall be prima facie evidence of a violation of this section. (Ord. Code § 6311)

Section 18-14

It shall be unlawful for any person to maintain, operate, connect, or suffer or permit to be maintained, operated, or operated, or connected any or sound amplifier in such a manner as to cause any sound to be projected outside of any building or out of doors in any part of the city, except as may be necessary to amplify sound for the proper presentation of moving picture shows, or exhibiting for the convenient hearing of patrons within the building or enclosure in which the show or or exhibition is given, without having first procured a permit from the chief of police, which permit shall be granted at the will of the chief of police upon application in writing therefore, but which permit, when granted, shall be revocable by the city council whenever any such loudspeaker or sound amplifier shall by the council be deemed objectionable, and any such permit may be so revoked with or without notice, or with or without a formal hearing, at the option of the council, and in the event of the revocation of any such permit, the same shall not be renewed, except upon application as the first instance. (Ord. Code § 6312)

Penal Code Section 415 (2)

Any of the following persons shall be punished by imprisonment in the county jail for a period of not more than 90 days, a fine of not more than four hundred dollars (\$400), or both such imprisonment and fine: (2) Any person who maliciously and willfully disturbs another person by loud and unreasonable noise.

I hereby certify that I have read and answered all statements on this registration form and that they are true and correct.

Jenni Byers  
Signature of Applicant

2/13/18  
Date

THIS OUTSIDE AMPLIFIER PERMIT HAS BEEN APPROVED. HOWEVER, WE URGE YOU TO REMAIN CONSIDERATE OF THE GENERAL PEACE AND ORDER OF THE NEIGHBORS IN THE AREA. FAILURE TO ABIDE BY THESE REGULATIONS CAN RESULT IN REVOCATION OF THE PERMIT.

Art H  
City of Porterville, Chief of Police/Designee

2-20-18  
Date



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

02/12/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

|                                                                                                                                                                              |                                                                                                              |               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|---------------|
| <b>PRODUCER</b><br>Arthur J. Gallagher Risk Management Services, Inc.<br>2850 Golf Road<br>Rolling Meadows IL 60008                                                          | <b>CONTACT NAME:</b> Ali Sulita                                                                              |               |
|                                                                                                                                                                              | <b>PHONE (A/C, No, Ext):</b> 1-833-3ROTARY<br><b>E-MAIL ADDRESS:</b> rotary@ajg.com<br><b>FAX (A/C, No):</b> |               |
| <b>INSURED</b><br>All Active US Rotary Clubs & Districts<br>Porterville Breakfast Rotary Club<br>ATTN: Risk Management Dept.<br>1560 Sherman Ave.<br>Evanston, IL 60201-3698 | <b>INSURER(S) AFFORDING COVERAGE</b>                                                                         | <b>NAIC #</b> |
|                                                                                                                                                                              | INSURER A : Lexington Insurance Company                                                                      | 19437         |
|                                                                                                                                                                              | INSURER B :                                                                                                  |               |
|                                                                                                                                                                              | INSURER C :                                                                                                  |               |
|                                                                                                                                                                              | INSURER D :                                                                                                  |               |
|                                                                                                                                                                              | INSURER E :                                                                                                  |               |
|                                                                                                                                                                              | INSURER F :                                                                                                  |               |

**COVERAGES****CERTIFICATE NUMBER:** 899307648**REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR LTR | TYPE OF INSURANCE                                                                                                                                                                                                                                                                                                                                                                       | ADDL INSD | SUBR WVD | POLICY NUMBER  | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS                                                                                                                                                                                                                              |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|----------|----------------|-------------------------|-------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| A        | <input checked="" type="checkbox"/> <b>COMMERCIAL GENERAL LIABILITY</b><br><input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR<br><input checked="" type="checkbox"/> Liquor Liability Included<br>GEN'L AGGREGATE LIMIT APPLIES PER:<br><input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC<br>OTHER: |           |          | 015375594      | 7/1/2017                | 7/1/2018                | EACH OCCURRENCE \$2,000,000<br>DAMAGE TO RENTED PREMISES (Ea occurrence) \$500,000<br>MED EXP (Any one person) \$<br>PERSONAL & ADV INJURY \$2,000,000<br>GENERAL AGGREGATE \$4,000,000<br>PRODUCTS - COMP/OP AGG \$4,000,000<br>\$ |
| A        | <b>AUTOMOBILE LIABILITY</b><br><input type="checkbox"/> ANY AUTO<br><input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS<br><input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY                                                                                                                 |           |          | 015375594      | 7/1/2017                | 7/1/2018                | COMBINED SINGLE LIMIT (Ea accident) \$2,000,000<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>\$                                                                      |
|          | <b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR<br><b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE<br>DED <input type="checkbox"/> RETENTION \$                                                                                                                                                                                                                             |           |          | NOT APPLICABLE |                         |                         | EACH OCCURRENCE \$<br>AGGREGATE \$<br>\$                                                                                                                                                                                            |
|          | <b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b><br>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) <input type="checkbox"/> Y/N<br>If yes, describe under DESCRIPTION OF OPERATIONS below                                                                                                                                                              |           | N/A      | NOT APPLICABLE |                         |                         | PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/><br>E.L. EACH ACCIDENT \$<br>E.L. DISEASE - EA EMPLOYEE \$<br>E.L. DISEASE - POLICY LIMIT \$                                                                    |
|          |                                                                                                                                                                                                                                                                                                                                                                                         |           |          |                |                         |                         |                                                                                                                                                                                                                                     |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The Certificate holder is included as additional insured where required by written contract or permit subject to the terms and conditions of the general liability policy, but only to the extent bodily injury or property damage is caused in whole or in part by the acts or omissions of the insured.

**CERTIFICATE HOLDER**

City of Porterville  
Successor Agency to the Porterville Redevelopment Agency  
291 N. Main Street  
Porterville, CA 93257  
RE: PBRC Cancer Center 5K Run/walk May 5, 2018

**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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**ENDORSEMENT # 022**

This endorsement, effective 12:01 AM 07/01/2017

Forms a part of policy no.: 015375594

Issued to: US ROTARY CLUBS & DISTRICTS  
C/O ROTARY INTERNATIONAL

By: LEXINGTON INSURANCE COMPANY

**ADDITIONAL INSURED - DESIGNATED PERSON OR ORGANIZATION**

(Based on CG 2026 04/13)

This endorsement modifies insurance provided by the following:

**COMMERCIAL GENERAL LIABILITY POLICY**

**SCHEDULE**

**Name of Additional Insured Person(s) or Organization(s)**

The City of Porterville and Successor Agency to the Porterville Redevelopment Agency  
291 N. Main Street  
Porterville, CA 93257

Information required to complete this Schedule, if not shown above, will be shown in the Declarations

**A. Section II - Who Is An Insured** is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

1. In the performance of your ongoing operations; or
2. In connection with your premises owned by or rented to you.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law; and
2. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

**B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:**

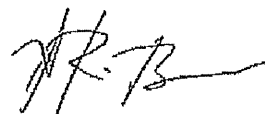
If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or

2. Available under the applicable Limits of Insurance shown in the Declarations;  
whichever is less.

This endorsement shall not increase the applicable Limits of Insurance shown in the Declarations

All other terms and conditions of the policy remain the same.



---

Authorized Representative



## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** Request for a Conditional Use Permit (PRC 2018-007-C) to allow for the sale of alcohol for Mariscos El 30 restaurant, located at 58 E. Mill Avenue

**SOURCE:** Community Development

**COMMENT:** The applicant is requesting approval of a Conditional Use Permit (CUP) to allow the sale of beer and wine under an on-sale license. The sale of alcohol will be in conjunction with the serving of meals (Mariscos El 30), within an existing tenant space at 58 East Mill Avenue in a DR-N (Downtown Retail - North of Olive Avenue) Zone District. Section 301.03 of the Porterville Development Ordinance requires approval of a CUP for any use involving the sale of alcoholic beverages. A previous tenant, Stan's Restaurant, formerly served alcohol beverages with a type 41 license, but that CUP has expired due to lapse in use.

The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of on-sale licenses to population in a census tract exceeds the average ratio for the county, an "undue concentration" of licenses is determined to exist. The subject site is located within Census Tract 38.02; this tract contains 19 licenses for alcohol sales; twelve on-sale and seven off-sale. In Census tract 38.02, three on-sale and four off-sale are allowed without being deemed over-concentrated. Approval of this on-sale license would be the 13th on-sale license, ten above the allowable as determined by ABC. Due to the over-concentration of on-sale licenses, a Letter of Public Convenience or Necessity will be required.

The applicant is not proposing any live entertainment, which would require subsequent Council approval prior to offering live entertainment. The applicant has stated an interest in possibly offering brunch, as well as lunch and dinner. At this time, the hours have not been specifically defined, but the applicant has proposed establishing a broad window, within which the restaurant would operate. The restaurant may be open up to seven days per week, between 10:00 a.m. and 10:00 p.m. Staff has included in the draft resolution proposed conditions for the facility to operate and be maintained so as not to be detrimental to the public health, safety, or welfare to properties or improvements in the vicinity.

The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for DR-N. The DR-N designation is intended to maintain the pedestrian- and transit- oriented environment of retail, restaurants, services and government offices with active commercial uses on the ground floor in the heart

of Porterville's Downtown. The proposed restaurant with alcohol sales would suit the purpose of the zone designation. The restaurant is a permitted use in the DR-N Zone, and alcohol sales may be permitted in that zone with the requested Conditional Use Permit.

On February 22, 2018, the Environmental Coordinator made a preliminary determination that the project is exempt from the California Environmental Quality Act pursuant to Section 15061(b)(3) of the California Code of Regulation (CEQA Guidelines), under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

RECOMMENDATION: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2018-007-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

ATTACHMENTS:

1. Locator Map
2. Site Plan and Floor Plan
3. ABC Permit Map
4. Draft Resolution
5. Letter of Public Convenience and Necessity

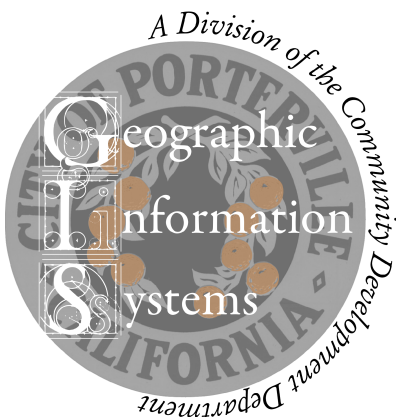
Appropriated/Funded:

Review By:

Department Director:

Jenni Byers, Community Development Director

Final Approver: John Lollis, City Manager

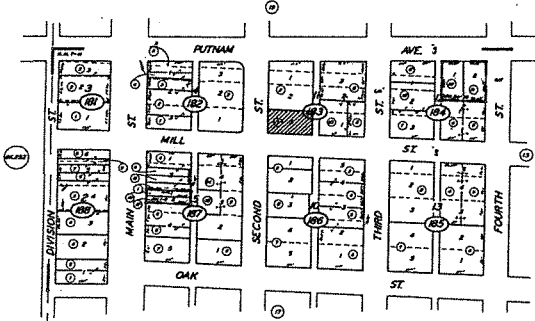


PRC 2018-007  
CUP for Alcohol License  
@ 58 E. Mill Ave  
Project Locator Map  
1" = 200ft



MLY POR SW 1/4 OF SW 1/4 SEC. 25, T21S, R27E, M.D.B. & M.

TAX CODE AREA  
4-004 253-18



FOR CITY OF PORTERVILLE, R.M. 7-11  
PARCEL MAP 6, P.M. 1-5  
PARCEL MAP 517, P.M. 24-18

CITY OF PORTERVILLE  
ASSESSOR'S MAPS BK. 253, PG. 18.  
COUNTY OF TULARE, CALIF.

## VICINITY MAP

NTS

SECOND STREET  
(60' WIDE)

(E) PARKING TO REMAIN

(E) SIDEWALK TO REMAIN

60.00'

110.00'

110.00'

(E) SIDEWALK TO REMAIN

(E) PARKING TO REMAIN

E MILL STREET  
(60' WIDE)

60.00'  
ALLEY

AREA OF  
WORK  
11534 SF

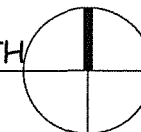
## SITE PLAN

SCALE: 1" = 10'-0"

58 E MILL ST  
PORTERVILLE  
CALIFORNIA

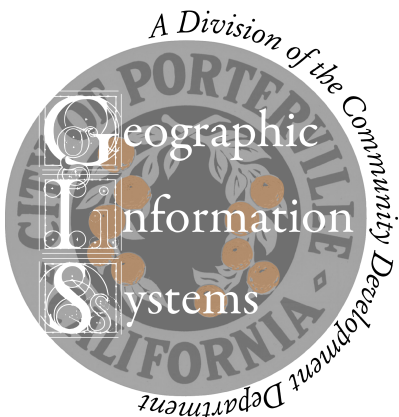
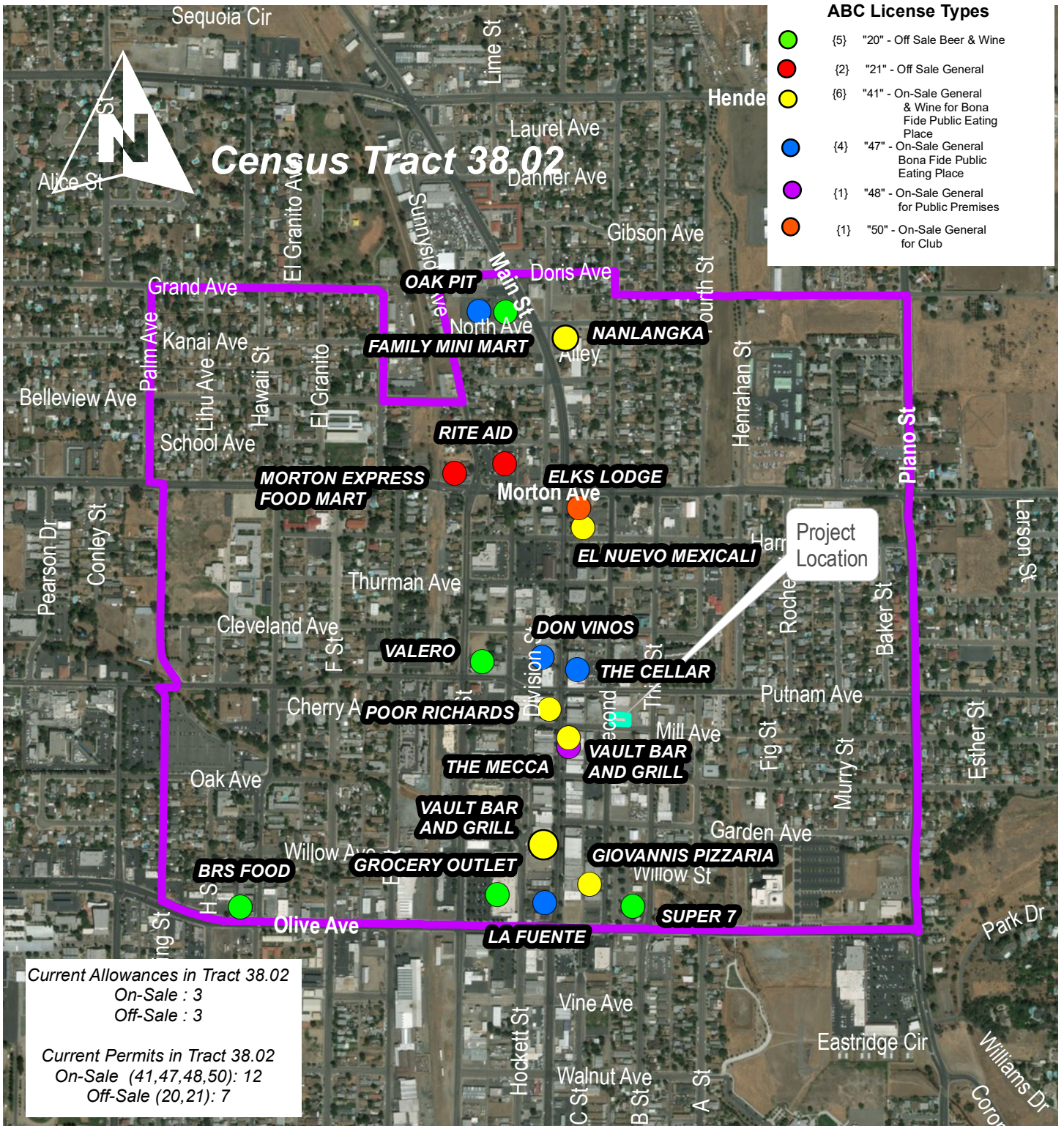
APN 253-183-01

NORTH



Maniscos EL 30  
Sose Rene Lopez





**PRC 2018-007**  
**CUP for Alcohol License**  
**@ 58 E. Mill Ave**  
**ABC Permit Map**



RESOLUTION NO. \_\_\_\_ -2018

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF CONDITIONAL USE  
PERMIT (PRC 2018-007-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE  
41 ON-SALE (BEER AND WINE) ALCOHOL LICENSE FOR MARISCOS EL 30, A BONA-  
FIDE PUBLIC EATING PLACE LOCATED AT 58 E. MILL AVENUE

WHEREAS: The City Council of the City of Porterville, at its regular scheduled meeting of March 6, 2018, conducted a public hearing to consider Conditional Use Permit (PRC 2018-007-C) to allow for the sale of alcohol under a Type 41 (Beer and Wine) alcohol license for a restaurant located at 58 E. Mill Avenue; and

WHEREAS: On February 22, 2018, the Environmental Coordinator made a preliminary determination that the project is exempt from California Environmental Quality Act pursuant to the “General Rule” exemption §15061(b)(3), that CEQA applies only to projects which have the potential for causing a significant effect on the environment; and

WHEREAS: The City Council of the City of Porterville authorized the Mayor to sign the Letter of Public Convenience or Necessity due to the over concentration of alcohol licenses within Census Tract 38.02; and

WHEREAS: The City Council of the City of Porterville received testimony from all interested parties related to said Conditional Use Permit; and

WHEREAS: The City Council made the following findings:

1. That the proposed project will advance the goals and objectives of, and is consistent with, the policies of the General Plan and any other applicable plan that the City has adopted.

The subject site is consistent with the General Plan Land Use Designation and Zoning Standards for DR-N (Downtown Retail - North of Olive Avenue). The DR-N designation is intended to maintain the pedestrian-and transit-oriented environment of retail, restaurants, services and government offices with active commercial uses on the ground floor in the heart of Porterville’s Downtown. The proposed restaurant with alcohol sales would suit the purpose of the zone designation. The restaurant is a permitted use in the DR-N Zone, and alcohol sales may be permitted in that zone with the requested Conditional Use Permit.

2. That the proposed location of the project and the conditions under which it will be operated or maintained will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity.

Conditions of approval are included herein to ensure adequate operational standards are met. The project is located within an existing building and is conditioned that all activities associated with the consumption of alcohol on premises, in association with the Type 41 on-sale license shall be exclusively confined to the interior of the building.

Additionally, the project is conditioned to preserve the public safety, health and welfare to prevent the use from becoming a nuisance and operate the business in compliance with all laws, ordinances and regulations regarding the sale of alcohol. In the event that this or any other condition of approval is violated, the City Council may modify or revoke the conditional use permit.

3. This project is exempt from CEQA pursuant to §15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment.
4. The California Department of Alcoholic Beverage Control (ABC) allows for a specific number of licenses per census tract, based on population. Whenever the ratio of licenses to population in a census tract exceeds the average ratio for the county, and “undue concentration” of licenses is determined to exist. The subject site is located within Census Tract 38.02; this tract contains 19 license for alcohol sales: twelve on-sale and seven off-sale. In Census Tract 38.02, three on-sale and three off-sale are permitted without being deemed over-concentrated. Due to the over concentration of on-sale licenses a Letter of Public Convenience and Necessity is required.

NOW, THEREFORE, BE IT RESOLVED: That the City Council of the City of Porterville does hereby approve Conditional Use Permit (PRC 2018-007-C) subject to the following conditions:

1. No advertising of alcohol products shall be displayed and/or viewed from the outside of the building.
2. Live entertainment or dancing is not permitted; if in the future the license holder seeks to pursue such associated activities, a modification to this permit would be considered by the City Council.
3. Hours of operation are limited to 10:00 am to 10:00 pm, seven days per week.

PASSED, APPROVED AND ADOPTED this 6<sup>th</sup> day of March, 2018.

\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

By \_\_\_\_\_  
Patrice Hildreth, Chief Deputy City Clerk

March 6, 2018

California Department of Alcoholic Beverage Control  
Fresno District Office  
3640 East Ashlan Ave  
Fresno, CA 93726  
ATTN: Christine Weldon

RE: Mariscos El 30, 58 E. Mill Avenue, Porterville, CA

Dear Ms. Weldon:

The City Council of the City of Porterville has elected to approve submittal of this letter regarding the public convenience or necessity to be served through issuance of a Type 41 On-Sale (beer and wine) for a bona fide public eating place for Mariscos El 30 located at 58 E. Mill Avenue.

Approval of this letter was based on the following:

1. Per Section 23958.4 of the "Business and Professions Code," the subject site is located within Census Tract 38.02 which allows three on-sale licenses. At the present time 12 on-sale licenses currently exist in this tract. Due to the over concentration of on-sale licenses a Letter of Public Convenience or Necessity was required.
2. On March 6, 2018, the City Council conditionally approved Conditional Use Permit (PRC 2018-007-C), review attached resolution, to allow the on-sale of beer, wine for a bona fide restaurant at 58 E. Mill Avenue. As a condition of approval, a Letter of Public Convenience or Necessity was required to be approved by the City Council.
3. In consideration of the above, the City Council determined that public convenience or necessity would be served by the issuance of a Type 41 On-Sale (beer and wine) alcohol license in conjunction with a bona fide restaurant.

Further issuance of an on-sale license allowing beer and wine sales represents a viable economic asset to the community which will contribute tax revenues to the local economy. The site is consistent with the General Plan Land Use Designation of Downtown Retail policies that promote accessibility of services and goods within a convenient distance. The proposed Type 41 On-Sale General, (beer and wine) alcohol license for a bona fide restaurant would suit the purpose of the

zone designation as well as meeting the economic development guiding policy needed to retain, improve and promote existing businesses in Porterville. The restaurant is permitted in the DR-N (Downtown Retail – North of Olive Avenue) land use designation and alcohol sales may be permitted with review and approval of a Conditional Use Permit.

For these reasons, the City Council of the City of Porterville supports issuance of a Type 41 On-Sale, (beer and wine) license for Mariscos El 30 located at 58 E. Mill Avenue, Porterville, CA.

Sincerely,

Milt Stowe, Mayor

Attachment: Resolution



## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** Mandatory Commercial Recycling Program (MCR) and Mandatory Commercial Organics Recycling Program (MORE) Implementation Plan

**SOURCE:** Public Works

**COMMENT:** AB 341 legislation was passed in late 2011, and requires that on and after July 1, 2012, a business that generates more than 4 cubic yards of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services. It also requires that on and after July 1, 2012, each jurisdiction shall implement a commercial solid waste recycling program appropriate for that jurisdiction designed to divert commercial solid waste from businesses subject to this legislation. If a jurisdiction already has a commercial solid waste recycling program as one of its diversion elements that meets the requirements, it shall not be required to implement a new or expanded commercial solid waste recycling program. The commercial solid waste recycling program shall include education of, outreach to, and monitoring of, businesses. A jurisdiction shall notify a business if the business is not in compliance with the legislation.

AB 1826 legislation was passed in late 2014, and requires that on and after April 1, 2016, a business that generates a specific amount of organic waste per week to arrange for recycling services for that organic waste in a specified manner. Organic Waste as defined by this act means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food soiled paper waste that is mixed with food waste. In April 2016, the threshold was eight cubic yards or more of organic waste per week, and decreased to 4 cubic yards or more of organic waste per week on January 1, 2017. Effective January 1, 2019, a business that generates 4 cubic yards or more of **solid waste** will be required to arrange for organic waste services. Jurisdictions are required to implement an organic waste recycling program that is appropriate for that jurisdiction and designed specifically to divert organic waste generated by businesses subject to this act. The organic waste recycling program shall provide for the education of, outreach to, and monitoring of, businesses, and requires a jurisdiction to notify a business if the business is not in compliance with the legislation.

Both AB 341 and AB 1826 specifically authorize the Department of Resources Recycling and Recovery (CalRecycle), to conduct reviews of jurisdiction's mandatory commercial recycling (MCR) programs and/or mandatory commercial organics recycling (MORE) programs at any time to determine whether each jurisdiction has made a "good faith effort" to implement its

selected recycling programs. Good faith effort is defined in the legislation as all reasonable and feasible efforts by a jurisdiction to implement its recycling programs.

On January 12, 2018, the City received a correspondence from CalRecycle regarding the status of CalRecycle's review of whether the City of Porterville is complying with meeting its AB 341 and AB 1826 requirements. After reviewing the City's MCR and MORE program implementation for 2016, CalRecycle determined there are gaps in the programs that warranted further review by CalRecycle's Jurisdictional Compliance Unit (JCU). The City was given 30 days to provide a detailed plan addressing the informational and programmatic gaps indicated by CalRecycle, and if the gaps were adequately addressed through the submitted plan, the City would not be referred for further review by JCU. On February 13, 2018, staff submitted a plan to CalRecycle that we believed fully addressed the informational and programmatic gaps indicated. On February 14, 2018, CalRecycle deemed the plan to be insufficient, but as a courtesy, they would like to offer a plan for both the City's MCR and MORE programs. This plan is based off of the City's initial 2012 plan, submitted as part of the Consolidated Waste Management Authority (CWMA), and benchmarked goals set by CalRecycle. Should the City not complete any benchmark by the set date, the City will be referred to CalRecycle's JCU for further review. Each item on the plan that was given an end date will need its status to be reported to CalRecycle by that date. If any item is not reported to CalRecycle by its individual end date, the City will automatically be referred to the JCU for further review. Staff has reviewed the plan proposed by CalRecycle, and feels the benchmarks set in the plan are both fair and reasonable.

During the April 2018 CalRecycle Public Meeting, CalRecycle management staff will present a list of jurisdictions that have been found to have significant deficiencies in their MCR and MORE programs. They will then list all jurisdictions being referred to the JCU, and then list all of those who submitted working plans to address their deficiencies. During the meeting, CalRecycle will not address each jurisdiction's deficiencies individually. Additionally, it is not required for the City to have a representative at the meeting as there is no need for testimony.

RECOMMENDATION: That Council consider approving staff to move forward with the 12 month plan proposed by CalRecycle.

ATTACHMENTS: 1. CalRecycle MCR & MORE Implementation plan

Appropriated/Funded:

Review By:

Department Director:

Mike Reed, Acting Public Works Director

Final Approver: John Lollis, City Manager



# DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • WWW.CALRECYCLE.CA.GOV • (916) 322-4027

P.O. BOX 4025 MS 9A, SACRAMENTO, CALIFORNIA 95812

## City of Porterville MCR & MORE 12-Month Implementation Plan

### Mandatory Commercial Recycling Program (AB 341) Plan: Education & Outreach

| Electronic Activity                                     | Start Date | End Date  | Status*   |
|---------------------------------------------------------|------------|-----------|-----------|
| The City will add MCR information to the City's website | 6/2012     | Ongoing** | Completed |

| Print Activity                                                                                                                          | Start Date | End Date | Status     |
|-----------------------------------------------------------------------------------------------------------------------------------------|------------|----------|------------|
| The City will send initial MCR letter to <i>all</i> businesses and multifamily complexes meeting the MCR threshold                      | 6/2012     | Onetime  | Completed  |
| The City will develop a new MCR letter that will be sent to <i>all</i> business and multifamily complexes meeting the MCR threshold     | 12/2015    | Onetime* | Completed  |
| The City will develop a pamphlet with MCR information that will be used to educate businesses about the AB 341 requirements             | 12/2015    | Onetime* | Completed  |
| The City will develop a waste survey to be sent to <i>all</i> businesses and multifamily complexes to determine level of service needed | 12/2015    | 1/2018** | Completed. |

| Direct Contact Activity                                                                                                  | Start Date | End Date  | Status                     |
|--------------------------------------------------------------------------------------------------------------------------|------------|-----------|----------------------------|
| The City will educate businesses and multifamily complexes about AB 341 when customers call the City for service         | 2/2018     | Ongoing** | Continual                  |
| The City will annually send new MCR letter to <i>all</i> businesses and multifamily complexes meeting the MCR threshold  | 12/2015    | Ongoing** | Completed. Repeat annually |
| The City will send waste a survey to <i>all</i> businesses and multifamily complexes meeting the MCR threshold           | 12/2015    | 1/2018    | Completed                  |
| The City will annually send an MCR pamphlet to <i>all</i> businesses and multifamily complexes meeting the MCR threshold | 12/2015    | Ongoing** | Completed. Repeat annually |





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## Monitoring

| Identification                                                                                                                                | Start Date | End Date | Status                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|----------------------------------------|
| The City will identify <i>all</i> businesses and multifamily complexes meeting the MCR threshold, and identify <i>all</i> those not recycling | 3/30/2018  | 6/2018   | In-progress, to be completed by 6/2018 |
| The City will review waste surveys sent to <i>all</i> MCR-qualifying customers to determine the level of service needed                       | 12/2015    | 6/2018   | In-progress                            |

| Follow-up                                                                                                                                                               | Start Date | End Date  | Status                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|----------------------------------|
| The City will develop a database of <i>all</i> MCR-qualifying businesses and multifamily complexes not recycling and indicate <u>why</u> each business is not recycling | 2/2018     | 3/30/2018 | In-progress. Updated as needed   |
| The City will send a letter to <i>all</i> customers that are not recycling to inform them of the law (AB 341)                                                           | 2/2018     | 4/30/2018 | Not yet started                  |
| The City will call <i>all</i> customers (both businesses and multifamily complexes) that are not recycling to inform them of the law (AB 341)                           | 4/30/2018  | Ongoing** | Not yet started. Continual.      |
| The City will conduct site visits to <i>all</i> businesses and multifamily complexes meeting the MCR threshold that are not recycling to educate them about the law     | 4/30/2018  | Ongoing** | Not yet started. As needed basis |



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P.O. BOX 4025 MS 9A, SACRAMENTO, CALIFORNIA 95812

## Mandatory Commercial Organics Recycling Program (AB 1826) Plan:

### Education & Outreach

| Electronic Activity                                             | Start Date | End Date | Status*         |
|-----------------------------------------------------------------|------------|----------|-----------------|
| The City will include information MORE (AB 1826) on its website | 2/2018     | 4/2018   | Not yet started |

| Print Activity                                                                                                                                                       | Start Date | End Date | Status         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|----------------|
| The City will develop a letter with information about MORE that it will send to <i>all</i> businesses and multifamily complexes meeting the current MORE threshold   | 1/2018     | 6/2018   | No yet started |
| The City will develop a brochure with information about MORE that it will send to <i>all</i> businesses and multifamily complexes meeting the current MORE threshold | 2/2018     | 6/2018   | No yet started |
| The City will develop a waste survey that it will send to <i>all</i> businesses and multifamily complexes meeting the current MORE threshold                         | 1/2018     | Onetime* | In-progress    |

| Direct Contact Activity                                                                                                                         | Start Date | End Date  | Status                   |
|-------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|--------------------------|
| The send a letter with information about MORE to <i>all</i> businesses and multifamily complexes meeting the current MORE threshold             | 5/2018     | Ongoing** | Annual. Not yet started. |
| The City will send a brochure with information about MORE to <i>all</i> businesses and multifamily complexes meeting the current MORE threshold | 3/2018     | Ongoing** | Annual. No yet started   |
| The City will send a survey to <i>all</i> businesses and multifamily complexes meeting the current MORE threshold                               | 1/2018     | 6/2018    | In-progress              |
| The City will educate businesses and multifamily complexes about AB1826 when customers call the City for service                                | 2/2018     | Ongoing** | Continual                |



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P.O. BOX 4025 MS 9A, SACRAMENTO, CALIFORNIA 95812

## Monitoring

| Identification                                                                                                                                           | Start Date | End Date | Status                 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|------------|----------|------------------------|
| The City will identify <i>all</i> businesses and multifamily complexes meeting the current MORE threshold, and identify all those not recycling organics | 2/2018     | 6/2018   | Continual. In-progress |
| The City will review waste surveys sent to all MORE-qualifying customers to determine the level of service needed                                        | 2/2018     | 6/2018   | In-progress            |

| Follow-up                                                                                                                                                                          | Start Date | End Date  | Status                           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|----------------------------------|
| The City will develop a database of <i>all</i> customers not recycling (both businesses and multifamily complexes) and indicate <u>why</u> each business is not recycling organics | 2/2018     | 6/2018    | In-progress. Updated as needed   |
| The City will send a letter to <i>all</i> customers that are not recycling to inform them of the law (AB 1826)                                                                     | 4/2018     | 6/2018    | Not yet started. Continual       |
| The City will call <i>all</i> businesses and multifamily complexes that are not recycling organics to inform them of the law (AB 1826)                                             | 4/2018     | 6/2018    | Not yet started. Continual       |
| The City will conduct site visits to businesses and multifamily complexes meeting the current MORE threshold that are not recycling to educate them about the law                  | 4/2018     | Ongoing** | Not yet started. As needed basis |

\*Status should include benchmark and dates where applicable.

\*\*Ongoing or some other designation should be used for activities that are repeated (e.g. on an annual basis, 2x per year, etc.). Activities with a specific end date are assumed to be completed once only unless otherwise specified.





## CITY COUNCIL AGENDA – MARCH 6, 2018

**SUBJECT:** Status and Review of Declaration of Local Emergency

**SOURCE:** City Manager's Office

**COMMENT:** Governor Brown issued Executive Order B-29-15 on Wednesday, April 1, 2015, which established drought-related mandates and restrictions in addition to those already stipulated in previous Executive Orders B-26-14 and B-28-14. Of significance, the Governor directed the State Water Resources Control Board to impose restrictions to achieve a statewide 25% reduction in potable urban water usage through February 28, 2016, in comparison to the amount used in 2013, and with consideration given to per capita usage as a basis. The Governor further directed the Board to impose additional restrictions on commercial, industrial, and institutional properties with significant landscaping (cemeteries, golf courses, parks, schools, etc.), to also achieve a 25% reduction in potable water usage. Also of significance, the Board was directed to prohibit irrigation with potable water outside of newly constructed homes and buildings that is not delivered by drip or micro-spray systems.

On November 13, 2015, Governor Brown issued Executive Order B-36-15, which extends emergency conservation regulations through October 2016, if drought conditions persist through January 2016. On February 2, 2016, the State Water Resources Control Board adopted extended emergency water conservation regulations, to be in effect March 1 through October 31, 2016. The City of Porterville benefited somewhat from the extended regulations as the City's water conservation rate has been reduced from 32% to 26%, due to new water connections that have been made and population served (4%), as well as a new climate adjustment factor that was considered (2%).

On May 9, 2016, Governor Brown issued Executive Order B-37-16 ("Making Water Conservation a California Way of Life"), which directs the State Water Resources Control Board to establish new regulations making permanent the emergency conservation regulations. On May 18, 2016, the State Water Resources Control Board adopted a statewide water conservation approach that replaces the percentage reduction-based water conservation standard with a localized "stress test" approach that mandates urban water suppliers act immediately to ensure at least a three-year supply of water to their customers under continued drought conditions.

On April 7, 2017, Governor Brown issued Executive Order B-40-17, which ended the drought state of emergency in most of California, with the exception of Fresno, Kings, Tulare and Tuolumne counties where emergency water supply

and reliability projects are continuing toward addressing diminishing groundwater supplies. The Order maintains monthly reporting requirements and prohibitions on wasteful practices. It is anticipated that the Governor will end the drought state of emergency in the four remaining counties in the near future.

At its last meeting on February 20, 2018, the City Council took action in the continued affirmation of the adoption of a Resolution of Declaration of Local Emergency due to local residences within the city having been identified as having wells that are now dry as a result of the drought. Twenty (20) residences within the city have been determined to have dry wells, for which City staff submitted a Mutual Aid Request to Tulare County OES to initiate the household tank program for identified properties within the city where wells are dry and challenged for permanent connection. City, County, State and non-profit partner representatives have continued to discuss solutions toward addressing these challenged residences given the State is expected to end its drought emergency funding. The State has committed funding through June 30, 2018 for non-profit agencies to continue drought-related activities, which Self-Help Enterprises has committed to continue the household tank program locally.

Representatives for the City, County, State (CalOES, DDW, DWR, and SWB) and non-profit partners have continued to meet in support of the long-term permanent water connection project for the entire East Porterville area and the estimated 1,800 expected future connections. DWR identified 423 residential units in the East Porterville area (381 of which are in the City's Urban Development Boundary), that were served by the County's Household Tank Program and desired by the State to be connected to the City's water distribution system as soon as possible. DWR has completed a significant City waterline extension project to permanently connect those 423 residential units to the City's water system (considered Phase I of the project). To provide source water for the DWR extension project, CalOES desired to expeditiously connect the new well on Olive Avenue to the City's water system instead of being first equipped as a filling station. Given the new well has an estimated water production value of 800 gallons per minute, as well as a SWB assumed 1.5 gallons per minute per residence, the new well could effectively serve up to 500 single-family residential units. The City indicated its significant interest that the E. Vandalia Avenue area and its 80 residential units be included in the water connection project, to which the State was agreeable.

Given CalOES has paid for the development of the new well, and its connection to the City's water system, the City will be required under "Drought Redundancy and Resiliency Provisions" to make available to the State up to three million gallons of water per month without charge for emergency purposes.

To proceed with the connection of the new well to the City's water system and the 500 East Porterville and E. Vandalia Avenue residential units, the City Council approved modifications to the Draft Agreement between the City and County at its meeting on April 5, 2016, which the County Board of Supervisors subsequently approved at their meeting on May 10, 2016.

A Memorandum of Understanding between the State, County, and City on the East Porterville permanent water connection project was approved by the Council during a Special Meeting on Tuesday, June 21, 2016, and approved by the Board of Supervisors on Tuesday, June 28, 2016. With the approval of the MOU, the State began the permanent connection of approximately 40 homes that are located along existing City water mains. Subsequently, the State officially requested that the City approve the connection of an additional 30 residences as part of the first immediate connections, for up to a total of 70, which the Council approved at its meeting on August 2, 2016.

In regards to the new well's development and connection to the City's water distribution system, the Board of Supervisors awarded the contract for equipping and connecting the new well at their meeting of Tuesday, August 16, 2016, and construction activities commenced the week of October 10, 2016. County staff had previously indicated that the well would be in service and connected to the City's system no later than December 2016, however, the well was operational and connected to the City's water distribution as of Friday, February 17, 2017. Given the delay in the well's completion and connection, DWR requested that the City Council consider allowing the connection of residences as they become prepared for connection, to which the Council was receptive, and a Draft MOU Amendment was approved by the Council at its meeting on December 6, 2016, and subsequently approved by the Board of Supervisors at its meeting on December 20, 2016. City staff is currently working with County staff toward the transfer of the well's ownership from the County to the City.

As of Friday, March 31, 2017, the date the State established as the final day for property owners to complete the registration process to participate in the State-funded connection program opportunity, of the 1,017 eligible developed residential properties identified by the State for connection, 722 completed the required Extra-Territorial Services Agreement, leaving 295 developed residential properties non-responsive to this unique connection program, 23 of which were reported as having either dry or diminishing capacity wells. On February 6, 2018, the final residential connection was made of the approximate eligible 800 residences in East Porterville to the City's water system.

County OES and the State Division of Drinking Water (DDW) have reported to the City that the Central Mutual Water Company, located south of the city and south of Gibbons Avenue, has had its well run dry and desires an immediate emergency connection to the City's water system to serve the 41 connections currently without water. DDW is wishing to support a financial application to upgrade the small water system to City standards (new water lines, meters, etc.), and to sponsor an Urban Development Boundary (UDB) Amendment application to Tulare County Local Agency Formation Commission (LAFCO), given this area is currently outside the City's UDB but within the City's Urban Area Boundary (UAB). Given several private wells have run dry in this area, DDW is also attempting to sponsor their connection to the City's water system. For source water capacity for the connections, DWR will include these new

connections within the East Porterville water connection capacity development projects. At its Special meeting on August 30th, the City Council directed staff to proceed with the immediate emergency connection of the Central water system, with the permanent connection of the system contingent upon an Agreement with DDW to the sponsorship conditions they have offered.

State Division of Drinking Water (DDW) has also reported to the City that the Del Oro East Plano water system, located on Paul Street (southeast of the intersection of Plano Street and Worth Avenue), is experiencing problems with its existing well and have implemented severe water restrictions. The East Plano water system serves 14 residences and approximately 45 people. DDW is wishing to provide financial support to upgrade the small water system to City standards (new water lines, meters ,etc.), and for source water capacity for the connections, DDW would need to either pay appropriate fees and/or develop a capacity development project. The Council is aware that the Del Oro Grandview Gardens water system (north of W. North Grand Avenue) is also experiencing significant issues, and DDW may seek their future consolidation with the City's water system as well.

City staff continues to coordinate with Self-Help Enterprises and State representatives toward the extension of water mains to serve all residential properties within City limits and the city's periphery that are currently participating in the County's Household Tank Program. The two main areas of focus are N. Cobb Street (northwest of State Route 65 and Pioneer Avenue), and S. Cloverleaf Street (southeast of State Route 65 and Olive Avenue). The State has maintained its commitment to grant-fund the necessary infrastructure and connection fees, providing an official funding letter to the City on January 18, 2018, which commits up to \$2.81 million in funding until December 31, 2019.

RECOMMENDATION: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

ATTACHMENTS:

1. Resolution 49-2015 - Declaration of Local Emergency
2. City-County Well Agreement
3. Memorandum of Understanding
4. Memorandum of Understanding Draft Amendment
5. SWRCB Letter Dated November 29, 2017
6. DWR Letter Dated January 18, 2018
7. Governor Brown Executive Order

Appropriated/Funded:

Review By:

Department Director:

Final Approver: John Lollis, City Manager



RESOLUTION NO. 49-2015

A RESOLUTION OF THE CITY COUNCIL OF  
THE CITY OF PORTERVILLE DECLARING A DROUGHT EMERGENCY  
WITHIN THE CITY OF PORTERVILLE

WHEREAS: in response to the ongoing severe drought, the State Water Resources Control Board approved an emergency regulation to ensure water agencies, their customers, and state residents increase water conservation in urban settings or face possible fines or other enforcement; and

WHEREAS: as we enter the fourth year of severe drought, long-term forecasts indicate no relief of the current drought conditions, and suggest a warmer-than-average summer, resulting in increased domestic demand for water; and

WHEREAS: public and private potable water supplies continue to be threatened due to decreasing supplies of groundwater caused by the precipitation deficit and an extended state of groundwater overdraft; and

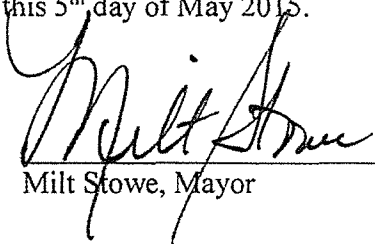
WHEREAS: the long-term ramifications of the current drought will have a significant impact on the city of Porterville and potentially pose a danger to the health and welfare of its residents; and

NOW, THEREFORE, BE IT RESOLVED: that the City Council of the City of Porterville does hereby proclaim that, due to drought conditions, a Local Emergency now exists in the city of Porterville and shall remain in effect for the duration of the emergency; and

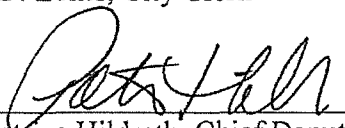
BE IT FURTHER RESOLVED: that the City Council of the City of Porterville requests the Governor and California Department of Water Resources make available California Disaster Assistance Act funding for the State of Local Emergency proclaimed on May 5, 2015, and seek all available forms of Federal assistance, to include a Presidential Declaration of Emergency and Individual Assistance and Public Assistance programs as applicable; and

BE IT FURTHER RESOLVED: that a copy of this resolution be forwarded to the State Director of the Office of Emergency Services.

PASSED, APPROVED, AND ADOPTED this 5<sup>th</sup> day of May 2015.

  
Milt Stowe, Mayor

ATTEST:  
John D. Lollis, City Clerk

  
By: Patrice Hildreth, Chief Deputy City Clerk

## TULARE COUNTY – CITY OF PORTERVILLE WELL AGREEMENT

THIS AGREEMENT is entered into this day of, May 10, 2016, between the COUNTY OF TULARE, referred to as COUNTY, and the CITY OF PORTERVILLE, referred to as CITY, with reference to the following:

- A. WHEREAS, East Porterville/Doyle Colony area properties within the COUNTY's jurisdiction and within the CITY's Urban Development Boundary are experiencing serious water shortages due to the historical drought conditions. Attached hereto as Exhibit 'A' is a map defining the East Porterville/Doyle Colony and Vandalia areas; and
- B. WHEREAS, CITY and COUNTY have been and are collaborating to jointly develop a new municipal water well; and
- C. WHEREAS, COUNTY shall secure complete funding for a new well to be solely owned, operated and maintained by the CITY for the purpose of providing long-term capacity to enable permanent water connections to properties that comply with CITY'S Annexation and Extension of Municipal Services policy, with certain exceptions for specific properties in excess of the maximum lot size. These procedures are defined by two Resolutions, 74-2014 and 19-2016, which are attached hereto as Exhibit 'B'; and
- D. WHEREAS, the COUNTY owns a parcel at the southeast corner of the Tule River and Olive Avenue (APN 240-120-017), represented in Exhibit 'C', and has drilled a municipal supply well, and will equip said well utilizing CITY standards, after which the COUNTY shall convey the land to CITY at a cost of \$1; and
- E. WHEREAS, CITY operates an existing municipal water system, with limited infrastructure already established in the East Porterville/Doyle Colony and Vandalia areas, and has experience and qualifications necessary to provide such services; and
- F. WHEREAS, CITY and COUNTY mutually agree that a regional, collaborative solution to leverage and expand CITY'S municipal water system into the East Porterville/Doyle Colony and Vandalia areas is the most feasible means to address the area's water needs; and
- G. WHEREAS, CITY is willing to enter into this Agreement with COUNTY upon terms and conditions set forth herein; and
- H. WHEREAS, CITY and COUNTY mutually understand that due to the limited resources of the CITY's municipal water system, all future connections must comply with the CITY's Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, attached hereto and made a part thereof as Exhibit 'B'.

### ACCORDINGLY, IT IS AGREED:

- 1. **TERM:** This agreement shall become effective as of the date the agreement is fully executed by both agencies.
- 2. **SERVICES TO BE PERFORMED & PAYMENT FOR SERVICES – EQUIPPING MUNICIPAL WELL FACILITY:** Refer to attached Exhibit 'D'.

TULARE COUNTY AGREEMENT NO. 27596

3. **SERVICE TO BE PERFORMED IN PERPETUITY:** The services described below shall be performed in perpetuity upon completion of all tasks enumerated in Exhibit 'D' and upon COUNTY securing the funds for equipping the well to CITY standards and requirements:
- A. CITY shall provide to STATE and/or COUNTY, upon STATE and COUNTY's request, a maximum of three million (3,000,000) gallons of water per month upon integration of the well provided under this Agreement, for the purposes of meeting emergency water needs in COUNTY's jurisdiction. CITY shall not charge COUNTY or STATE for said water.
  - B. CITY shall utilize water produced by the well provided under this Agreement as source capacity for new service connections and agreements in East Porterville/Doyle Colony and Vandalia areas. CITY agrees to provide source water for up to four hundred twenty-three (423) new connections in the East Porterville/Doyle Colony area subject to the CITY'S Annexation and Extension of Municipal Services policies, with certain exceptions for specific properties in excess of the maximum lot size, and up to 80 new connections in the Vandalia area. The 423 new connections noted above are inclusive of those properties immediately adjacent to an existing water main, estimated at 40 parcels, which can be connected to the City's water system immediately upon execution of this agreement and the Memorandum(a) of Understanding between CITY, COUNTY, and STATE. Upon connection to CITY services, the listed properties will be exempt from payment of CITY water impact fees, but will be subject to standard fees, such as, but not limited to, water service and meter installation, unless otherwise financed by STATE or other funding sources, and associated monthly fees. This section shall not be construed to limit additional connections beyond the above referenced 503 properties provided for herein, where CITY provides consumption documentation that determines additional source capacity is available as a result of the connection of this well to CITY's system.
  - C. CITY expressly agrees to own, operate, maintain, repair and otherwise care for the well provided under this Agreement, in order to maintain it in proper working order and to the highest standard, for the duration of the well's useful life.
  - D. COUNTY shall grant the parcel on which the well is located to the CITY by Grant Deed at a cost of \$1 upon formal acceptance of the project. A 50-foot control zone around the well site is a requirement of the State Water Resources Control Board, Drinking Water Program, therefore establishing the minimum parcel size to be conveyed to the CITY. Existing COUNTY infrastructure may encroach through or conflict with the subject parcel and if so, ownership, maintenance, repair and replacement of these facilities shall transition to the City's responsibility by separate maintenance agreement upon acceptance of the project.
  - E. CITY shall not be entitled to compensation by COUNTY, or any State or Federal agency providing funding for the activities enumerated in Exhibit 'D', for any ongoing costs related to owning, operating, maintaining, repairing, or replacing this well. CITY and COUNTY expressly agree that CITY's ongoing compensation for such ongoing costs shall be the use of the well for CITY's use within its water system, unrestricted except as noted in "A"

above. No part of this paragraph shall be construed to limit or restrict in any way CITY's ability to seek any grant funding or collect rates and fees from users of CITY's water system.

- F. All recipients of water are subject to CITY water policies, such as, but not limited to, water conservation and watering schedules. Connections made as noted in "B" above may be subject to further water conservation thresholds as required by the STATE.

4. This Agreement represents the entire agreement between CITY and COUNTY as to its subject matter and no prior oral or written understanding shall be of any force or effect. No part of this Agreement may be modified without the written consent of both parties.

5. Except as may be otherwise required by law, any notice to be given shall be written and shall be either personally delivered, sent by facsimile transmission or sent by first class mail, postage prepaid and addressed as follows:

COUNTY: County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare  
Administrative Building  
2800 W. Burrel Avenue  
Visalia, CA 93291

(Fax No.: (559) 733-6318 / Phone No. (559) 636-5005)

CITY: City Manager  
291 N. Main St.  
Porterville, CA 93257

(Fax No.: (559) 715-4013/ Phone No. (559) 782-7466)

Notice delivered personally or sent by facsimile transmission is deemed to be received upon receipt. Notice sent by first class mail shall be deemed received on the fourth day after the date of mailing. Either party may change the above address by giving written notice pursuant to this paragraph.

6. This Agreement reflects the contributions of both parties and accordingly the provisions of Civil Code section 1654 shall not apply to address and interpret any uncertainty.
7. Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
8. This Agreement shall be interpreted and governed under the laws of the State of California without reference to California conflicts of law principles. This Agreement is entered into and shall be performed in Tulare County, California. CITY waives the removal provisions of California Code of Civil Procedure Section 394.
9. The failure of either party to insist on strict compliance with any provision of this Agreement shall not be considered a waiver of any right to do so, whether for that breach or any subsequent breach. The acceptance by either party or either performance or payment shall not be considered to be a waiver of any preceding breach of the Agreement by the other party.
10. The Recitals and the Exhibits to this Agreement are fully incorporated into and are integral parts of this Agreement.

11. This Agreement is subject to all applicable laws and regulations. If any provision of this Agreement is found by any court of other legal authority, or is agreed by the parties, to be in conflict with any code or regulation governing its subject, the conflicting provision shall be considered null and void. If the effect of nullifying any conflicting provision is such that a material benefit of the Agreement to either party is lost, the Agreement may be terminated at the option of the affected party. In all other cases the remainder of the Agreement shall continue in full force and effect.
12. Each party agrees to execute any additional documents and to perform any further acts which may be reasonably required to affect the purposes of this Agreement.
13. CITY expressly agrees that it will not discriminate in employment or in the provision of services on the basis of any characteristic or condition upon which discrimination is prohibited by state or federal law or regulation.
14. Insurance
15. Permit
16. Dispute Resolution: If a dispute arises out of or relating to this Agreement, or the breach thereof, and if said dispute cannot be settled through negotiation, the parties agree first to try in good faith to settle the dispute by non-binding mediation before resorting to litigation or some other dispute resolution procedure, unless the parties mutually agree otherwise. The mediator shall be mutually selected by the parties, but in case of disagreement, the mediator shall be selected by lot from among two nominations provided by each party. All costs and fees required by the mediator shall be split equally by the parties, otherwise each party shall bear its own costs of mediation. If mediation fails to resolve the dispute within 30 days, either party may pursue litigation to resolve the dispute.
17. Indemnification: CITY shall hold harmless, defend and indemnify COUNTY, its agents, officers and employees from and against any liability, claims, actions, costs, damages or losses of any kind, including death or injury to any person and/or damage to property, including COUNTY property, arising from, or in connection with, the performance by CITY or its agents, officers and employees under this Agreement. This indemnification specifically includes any claims that may be made against COUNTY by any taxing authority asserting that an employer-employee relationship exists by reason of this Agreement, and any claims made against COUNTY alleging civil rights violations by CITY under Government Code sections 12920 et seq. (California Fair Employment and Housing Act), and any fines or penalties imposed on COUNTY for CITY's failure to provide form DE-542, when applicable. This indemnification obligation shall continue beyond the term of this Agreement as to any acts or omissions occurring under this Agreement or any extension of this Agreement.

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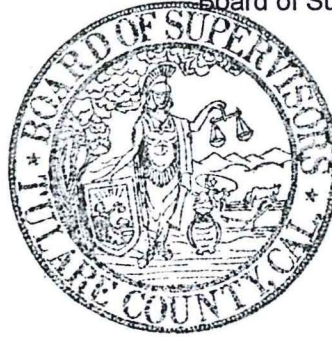
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THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

COUNTY OF TULARE

BY Mike Ennis  
Mike Ennis Chairman,  
Board of Supervisors



ATTEST: Michael C. Spata,  
County Administrative Officer/Clerk of the Board  
of Supervisors of the County of Tulare

By Danisa A. Ybana  
Deputy Clerk

Approved as to Form  
County Counsel

By M. G. [Signature] for LMT  
Deputy 20151902

CITY OF PORTERVILLE

BY Milt Stowe  
Milt Stowe, Mayor

ATTEST:  
City Clerk of the City of Porterville

BY J. L. [Signature]  
John Lollis, City Manager

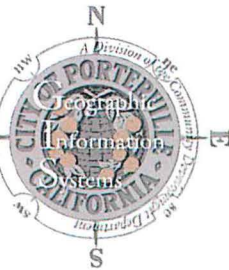
Approved as to Form

BY [Signature]  
City Attorney

EXHIBIT 'A'



# East Porterville Project Boundary



### Legend

-  East Porterville Project Boundary  
 Parcels Within Project Boundary Area (1,776)  
 City Limits  
 UDB

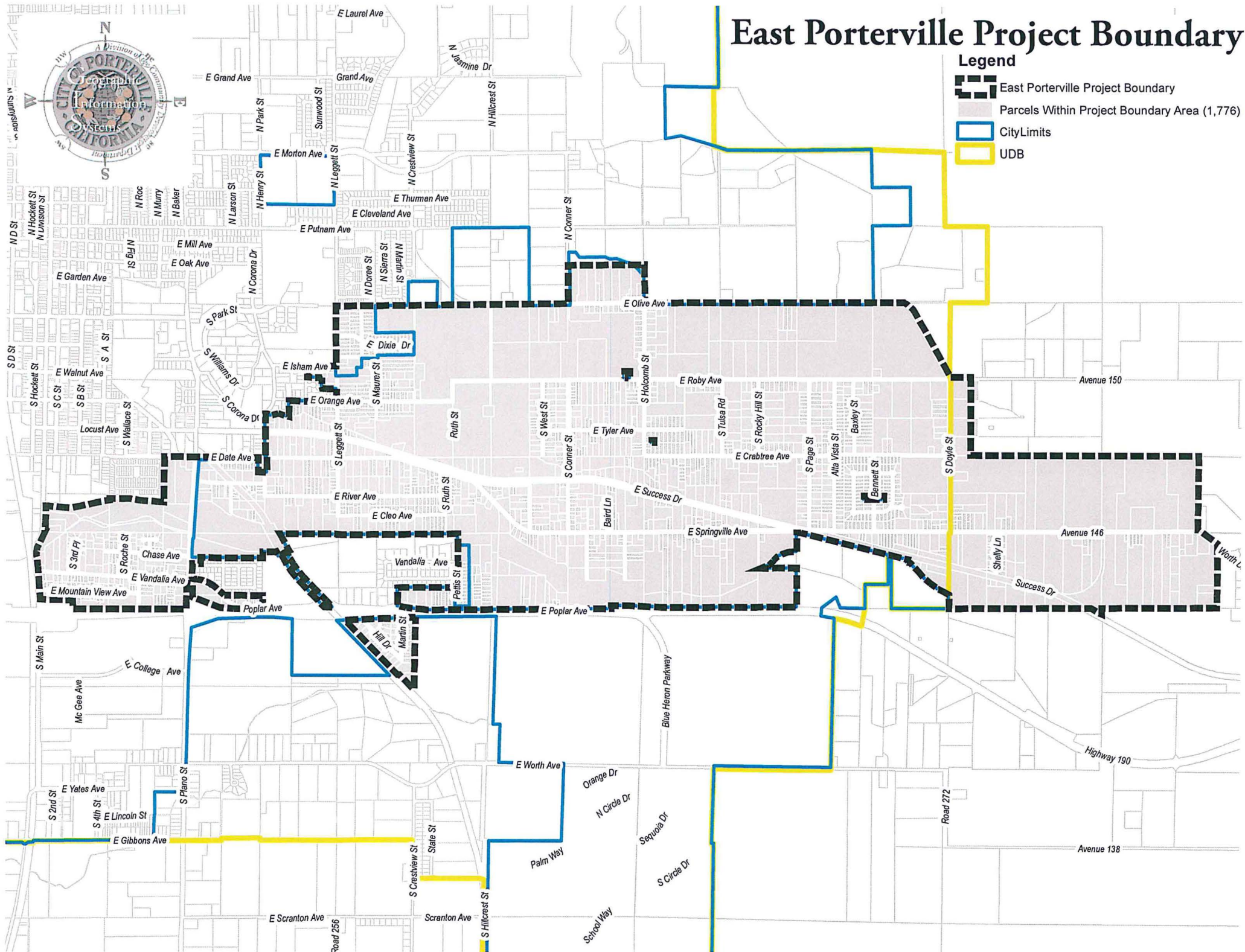




EXHIBIT 'B'

RESOLUTION NO. 74 -2014

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE DEFINING OBJECTIVES AND POLICIES FOR ANNEXATIONS AND MUNICIPAL SERVICES

WHEREAS: The City of Porterville established a policy concerning annexation and provision of municipal services in 1986, noting that “the City, in order to grow for reasons of economies of scale and quality of services must expand its boundaries within reason, generally encourages the owners of properties contiguous to the city of Porterville to annex to said City of Porterville”; and

WHEREAS: Since 1990, the population of the city of Porterville has increased 53% according to the California Department of Finance, and the land area of the city proper has increased by 38% according to City annexation records; and

WHEREAS: The City of Porterville accepts its responsibility to provide municipal services to those residents, businesses, and other land uses within the limits of the city. The City of Porterville has taken the position that the costs of all physical improvements within the city have been paid by property owners, and other taxes derived in the city, and, therefore, these same people should not be required to bear the expense of additional physical improvements needed to serve newly annexed areas.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby define the following objectives related to annexations and municipal services:

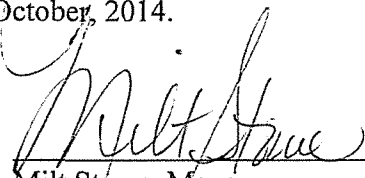
1. To promote orderly development while discouraging urban sprawl, preserving open space and prime agricultural lands, and efficiently extending government services.
2. To honor the City’s fundamental responsibility to provide efficient and sustainable public services to the inhabitants of the city, and where appropriate, to provide those services beyond the limits of the city within the Urban Development Boundary, and only in extreme cases to those properties beyond the Urban Development Boundary within the Urban Area Boundary.
3. To provide for land development and growth in a manner consistent with the General Plan, particularly as it relates to land use and circulation.
4. To consider an application upon its own merits, and identify what benefits would accrue to the City as an agency and service provider, to the residents of the city of Porterville, and to the applicant.
5. To identify the problems involved in any proposal considered for annexation or request for extra-territorial services and resolve them in the manner most beneficial to the properties within the city of Porterville.
6. To develop factual information to permit informed discussion between City representatives and property owners/residents of unincorporated territories.

BE IT FURTHER RESOLVED, that the City Council of the City of Porterville does hereby establish the following policies for consideration of annexations and municipal services:

1. It shall be the policy of the City of Porterville to consider annexation proposals only within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County Local Area Formation Commission (LAFCo).

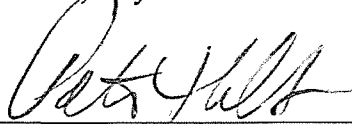
2. It shall be the policy of the City of Porterville to consider extra-territorial service requests primarily within the Urban Development Boundary, which is defined as the City of Porterville Annexation Boundary, as adopted by Tulare County LAFCo.
3. It shall be the policy of the City of Porterville, only where necessary in order to respond to an existing or impending threat to public health or safety of affected residents, to consider extra-territorial service requests within the Urban Area Boundary, as adopted by City Council and identified on the City of Porterville Zoning Map.
4. It shall be the policy of the City of Porterville to consider annexation proposals and extra-territorial service requests in a manner consistent with the policies and regulations adopted by the Tulare County LAFCo and the State of California, as applicable.
5. It shall be the policy of the City of Porterville to discourage single-family one (1) lot annexation proposals that may have an adverse fiscal impact on the City of Porterville.
6. It shall be the policy of the City Council that territory shall not be annexed to the city of Porterville, which as a result of such annexation, unincorporated territory is completely surrounded, or substantially surrounded by the city of Porterville.
7. It shall be the policy of the City of Porterville that annexation proposals shall be in conformance with the Cortese-Knox-Hertzberg Act of 2000, as amended.
8. It shall be the policy of the City Council to consider each petition/consent for annexation upon its relationship to what economic benefits will accrue to the City of Porterville, and to the area residents/property owners.
9. It shall be the policy of the City Council that the costs of all physical improvements will be borne by the property owners/resident or developer.
10. It shall be the policy of the City of Porterville to maintain the viability of agricultural productivity; i.e. protecting and conserving as much agricultural land as possible in the area surrounding the Porterville community.
11. It shall be the policy of the City of Porterville that the applicant for annexation present proposals to the Project Review Committee and explain the particulars of the area under consideration for possible annexation, including a plan for services.
12. It shall be the policy of the City of Porterville to consider any requests for annexation or extra-territorial services in a manner consistent with the procedures adopted by resolution of the City Council.

PASSED, APPROVED AND ADOPTED this 21<sup>st</sup> day of October, 2014.

  
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

By:   
Patrice Hildreth, Chief Deputy City Clerk

STATE OF CALIFORNIA    )  
CITY OF PORTERVILLE    )       SS  
COUNTY OF TULARE     )

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 21<sup>st</sup> day of October, 2014.

THAT said resolution was duly passed, approved, and adopted by the following vote:

|          |       |      |       |          |         |
|----------|-------|------|-------|----------|---------|
| Council: | REYES | WARD | STOWE | HAMILTON | GURROLA |
| AYES:    | X     |      | X     | X        | X       |
| NOES:    |       | X    |       |          |         |
| ABSTAIN: |       |      |       |          |         |
| ABSENT:  |       |      |       |          |         |

JOHN D. LOLLIS, City Clerk

  
By: Luisa M. Zavala, Deputy City Clerk

RESOLUTION 19-2016

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE  
ESTABLISHING PROCEDURES FOR ANNEXATIONS AND EXTENSION OF  
MUNICIPAL SERVICES

WHEREAS: On October 21, 2014, the City Council of the City of Porterville adopted two resolutions that defined objectives and policies, and established procedures for annexations and municipal services, respectively; and

WHEREAS: The on-going, severe drought of the past few years has created a situation where hundreds of parcels in the East Porterville area are experiencing dry wells, or wells of substandard water quality. State and regional agencies have come together with the City to identify and develop a long-term solution to this crisis, which will involve a significant infrastructure project to allow extension of municipal water services to the area. Not all parcels within the subject area meet the mandatory findings for extra-territorial service agreements as identified in the City's current procedures.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Porterville does hereby amend existing procedures to submit application for municipal services, and to have said application(s) processed as outlined in Exhibit "A", attached. The exemption identified for the East Porterville Feasibility Study Project Area will apply to the area represented in Exhibit "B".

PASSED, APPROVED AND ADOPTED this 19<sup>th</sup> day of April, 2016.

  
\_\_\_\_\_  
Milt Stowe, Mayor

ATTEST:

John D. Lollis, City Clerk

BY   
\_\_\_\_\_  
Luisa Zavala, Deputy City Clerk

All properties requesting annexation or extraterritorial services are subject to the procedures established below unless otherwise stated. Compliance with City of Porterville procedures does not guarantee approval by LAFCo of annexations or extra-territorial service agreements. Upon request for an annexation or extraterritorial services request, staff will evaluate whether the applicant's property is within the City's Urban Development Boundary or Urban Area Boundary and explain the process.

## **ANNEXATION APPLICATION PROCEDURE**

1. A complete annexation application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, Application for Annexation, and other materials as required with those applications respectively.
2. On receipt of an application as outlined above, all materials will be considered by the Project Review Committee, who will coordinate in a pre-consultation process with LAFCO staff and the County Public Works Department for review and recommendation.
3. During review by the Project Review Committee of the necessary application and data, staff will prepare a report and findings on all aspects of the proposed action(s).
4. An environmental document will be prepared pursuant to the California Environmental Quality Act (CEQA), reviewing the potential environmental effect of the proposed activities. The Zoning Administrator will make an initial determination of the level of environmental review required.
5. After proper noticing, a public hearing will be held for the City Council to hear comments related to the project at a regularly scheduled meeting. The Council will authorize staff to initiate the application with LAFCo. Documents will be filed in accordance with the Cortese-Knox-Hertzberg Act of 2000, as amended, and submitted to the Local Agency Formation Commission for its review, recommendation and action.
6. On consummation by the City Council, the City Clerk shall submit the necessary materials to the State Board of Equalization with the appropriate acreage fees, which are paid by the Applicant.
7. In the event the annexation fails, either by dissenting votes of the City Council or at hearing at LAFCo, the City Council may approve an extraterritorial service agreement within the Urban Development Boundary, subject to conditions identified in the deed restriction.

## **ANNEXATION EXEMPTION PROCEDURE**

Where a certain property meets all of the following criteria, they may proceed with an Extraterritorial Service Agreement for water or storm-water drainage without first attempting annexation, subject to the conditions of Extraterritorial Service Agreements as defined below.

1. Previously developed single family residences on parcels 24,999 square feet or smaller, OR a school developed by a State funded school district.
2. The parcel requesting services must be immediately adjacent to a municipal main providing the requested service, or the property owner shall provide for the extension of the main line to City standards at their expense.

## EXTRATERRITORIAL SERVICES APPLICATION PROCEDURE

Extraterritorial Service connections may be made subject to the following conditions. Note specific parameters and the required findings for connections in the Urban Development Boundary and the Urban Area Boundary.

1. Application: A complete extraterritorial services application packet includes: fees, an Irrevocable Agreement to Annex, information as needed to define a deed restriction specific to land use and zoning, and other materials as required with those applications respectively.
2. General Plan Consistency:
  - a. Proposed Uses and Improvements: Service connections are to be withheld from proposed uses and improvements that would not be consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan.
  - b. Existing Uses and Improvements: Service connections to existing uses and improvements which are not consistent with the adopted Land Use Element of the Porterville Area General Plan and the City of Porterville General Plan shall be considered at the discretion of the City Council, and may be subject to other restrictions.
3. Agreements and covenants:
  - a. A deed restriction specific to land use and zoning must be approved by the property owner and the City Council, and recorded with the County of Tulare upon the property, at the applicant's cost.
  - b. An irrevocable agreement to annex must be signed by the property owner and recorded with the County of Tulare upon the property, at the applicant's cost.
4. Time limitations: The City Manager or his designee, or the City Council may condition the approval of applications for service connections by establishing a time frame within which connections must be made to avoid re-application.
5. Improvement Plans: Applications for service connections, which necessitate the extension of one or more municipal facilities to property in order to make such connections, shall be conditioned by the City Manager or his designee, or the City Council to require that Construction Drawings of the intended public improvements be submitted to the City Engineer for plan check and approval. Costs incurred for the preparation of improvement plans, and certain off-site construction and/or installation costs related to extending facilities, shall be the responsibility of the applicant.
6. Fees: Prior to the issuance of a Connection Permit, payment must be made to the City of Porterville of all fees pertinent to the respective service connection, or connections, approved by the City Manager or his designee, or the City Council.

Within the Urban Development Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.
- That the subject property is not within an island as defined by Tulare LAFCo.
- That an attempt to annex the subject site is not realistic given current city limit boundaries. Specifically, the parcel is too far removed from the city limit, and/or the number and valuation of adjacent parcels would result in a failed annexation effort.

Within the Urban Area Boundary:

For connection of water or storm-water facilities, the requesting party must fully fund the extension of infrastructure if it does not already exist in order to connect. The City of Porterville Wastewater Facility is a regional facility and as such, an extraterritorial service request cannot be denied; however, the requesting party must fund a fair share of the extension of infrastructure if it does not already exist in order to connect. Contract services for police, fire, or building inspection services shall be approved by resolution of the City Council.

For connection of water or storm-water facilities, the following findings must be made in order for the Council approve an extraterritorial service connection:

- That the subject property is a previously developed single family residence on a parcel 24,999 square feet or smaller, OR a school developed by a State funded school district.
- That failure to connect to municipal services would result in a threat to public health or safety of affected residents.
- That connection of the subject property would not result in a negative impact to the City of Porterville water and/or storm-water system.

## **EXEMPTIONS AND EXCEPTIONS**

1. PVPUD: Connections to Porterville Regional Sewage Treatment Facilities serving uses and improvements to property within the boundaries and jurisdiction of the Porter Vista Public Utility District (PVPUD) are exempted from application to the City of Porterville. Interested parties should contact the PVPUD for information on connection requirements and fees pertaining



to sewer services. This exemption does not apply to requests for connection to Municipal Water and/or Master Storm Drain Facilities.

2. PRIOR APPROVALS: Porterville City Council approval of requests for connection to Regional Sewage Treatment, Municipal Water and/or Master Storm Drain Facilities as authorized prior to the adoption and effective date of the respective policies set forth herein shall remain valid and in force according to the terms and conditions initially specified at the time of approval, and re-application will not be required.

3. PROPERTIES WITHIN THE EAST PORTERVILLE FEASIBILITY STUDY PROJECT AREA: The California State Water Resources Control Board, in coordination with the Department of Water Resources Drought Task Force, is charged with preparing a feasibility study to define a long-term solution to the water related issues in East Porterville. Properties within that boundary would be permitted to apply for connection, whether in association with DWR, SWRCB, or at a later date, on their own. Such connections would be subject to the mandatory findings as outlined in this procedure, with the following exceptions:

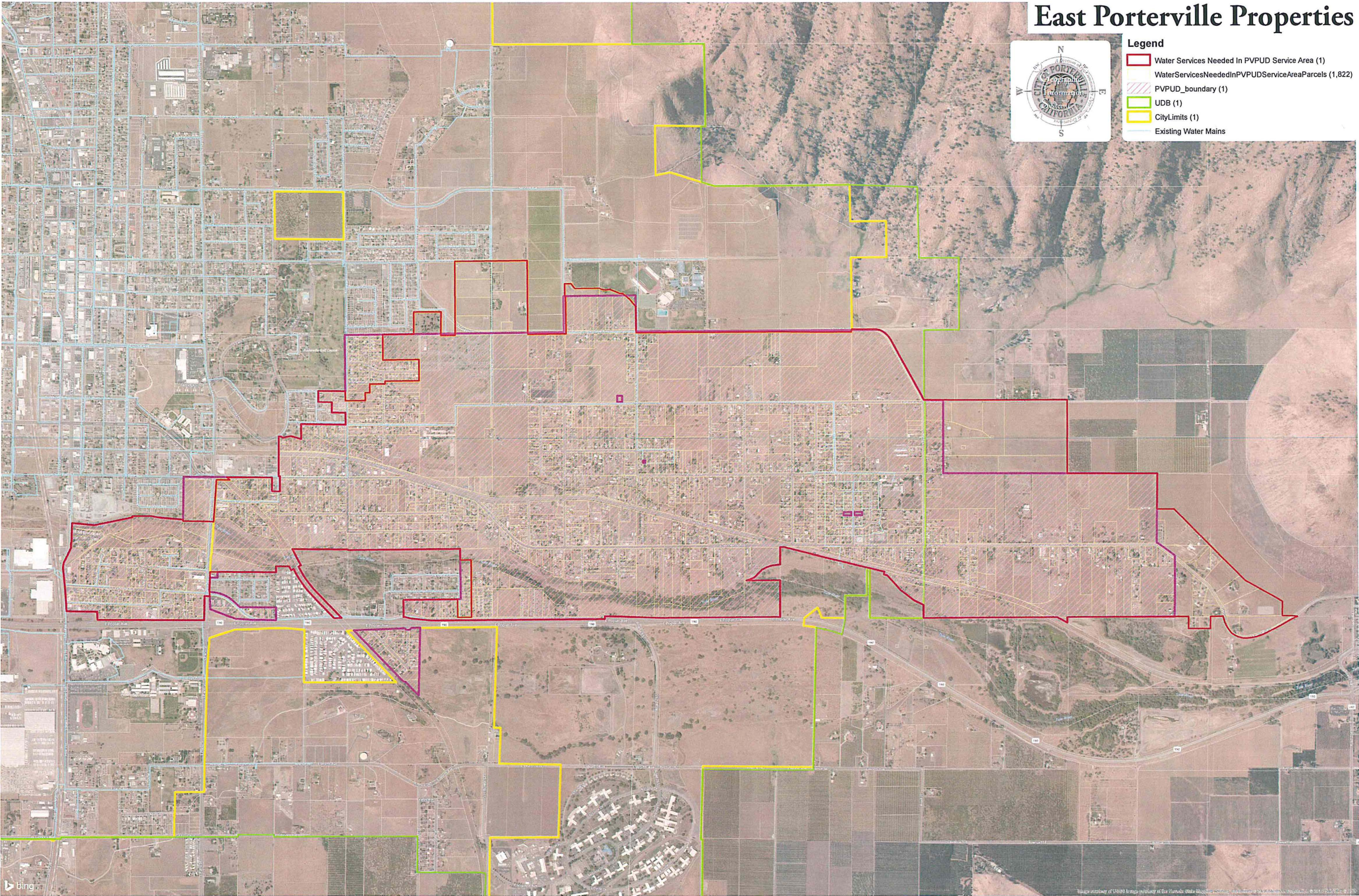
- Rather than require that the subject property be a developed single-family residence on a parcel 24,999 square feet or smaller, neither the land use nor the parcel size would be restricted neither the land use nor the parcel size would be restricted for legal and legal non-conforming structures and land uses existing as of April 29, 2016.
- Further, properties within certain islands in the EPFS Project Area would not be required to annex prior to connection. This exception does not limit the City of Porterville's authority to pursue annexation in the future, but rather waives the requirement that annexation must be approved prior to connection.



# East Porterville Properties



- Legend**
- Water Services Needed In PVPUD Service Area (1)
  - WaterServicesNeededInPVPUDServiceAreaParcels (1,822)
  - PVPUD\_boundary (1)
  - UDB (1)
  - CityLimits (1)
  - Existing Water Mains





STATE OF CALIFORNIA )  
CITY OF PORTERVILLE ) SS  
COUNTY OF TULARE )

I, JOHN D. LOLLIS, the duly appointed City Clerk of the City of Porterville do hereby certify and declare that the foregoing is a full, true and correct copy of the resolution passed and adopted by the Council of the City of Porterville at regular meeting of the Porterville City Council duly called and held on the 19<sup>th</sup> day of April, 2016.

THAT said resolution was duly passed, approved, and adopted by the following vote:

| Council: | REYES | WARD | STOWE | HAMILTON | GURROLA |
|----------|-------|------|-------|----------|---------|
| AYES:    | X     | X    | X     | X        |         |
| NOES:    |       |      |       |          |         |
| ABSTAIN: |       |      |       |          |         |
| ABSENT:  |       |      |       |          | X       |

JOHN D. LOLLIS, City Clerk

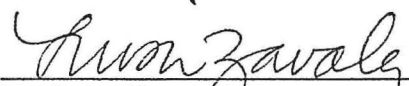
  
By: Luisa Zavala, Deputy City Clerk

EXHIBIT 'C'



EXHIBIT 'D'

### Scope of Work

| Task          | Description                                                 | Cost              |
|---------------|-------------------------------------------------------------|-------------------|
| 1.2           | Prepare Well Drilling Plans, Specifications, and Estimates  | \$468.00          |
| 3.2           | Prepare Well Equipping Plans, Specifications, and Estimates | \$1,526.00        |
| 5             | Ph. 1 Preconstruction Meeting                               | \$1,357.43        |
| <b>Total:</b> |                                                             | <b>\$3,351.43</b> |

Consulting Engineering work will be reimbursed directly to Dee Jaspar & Associates under Tulare County Agreement No. 1276, including the following Tasks:

|               |                                                             |                     |
|---------------|-------------------------------------------------------------|---------------------|
| Task 4.1      | Project Evaluations and Field Surveying                     | \$58,326.00         |
| Task 4.2      | Prepare Well Equipping Plans, Specifications, and Estimates | \$30,000.00         |
| Task 4.3      | Prepare and Assist with SCE Application & Telephone Service | \$5,000.00          |
| Task 4.4      | SCE Costs                                                   | \$15,000.00         |
| <b>Total:</b> |                                                             | <b>\$108,326.00</b> |

## **Discussion Draft**

### **Subject to Additional Review and Modification by the Parties**

Porterville MOU  
Draft 2  
June 15, 2016  
PortervilleEmergencyMOU061516



#### **Memorandum of Understanding (MOU)**

Regarding the Provisions of Emergency Water Supplies to East Porterville

by the California Department of Water Resources (DWR), California Office of Emergency

Service (OES), the State Water Resources Control Board (SWRCB),

the County of Tulare (County), and City of Porterville (Porterville),

which are collectively known as the “Parties”

#### **Recitals**

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as “East Porterville,” have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, Governor Edmund G. Brown Junior signed Assembly Bill 685 in 2012, adding Water Code section 106.3, which recognizes that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, and which requires all relevant state agencies to consider this right when revising, adopting, or establishing pertinent policies, regulations, and grant criteria;



Whereas, the Parties have provided emergency water supplies to some residents of East Porterville that are without an adequate household water supply;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, East Porterville is located east and adjacent to Porterville, which has an existing municipal water system that serves residents within the incorporated area of Porterville;

Whereas, some of the residents of East Porterville without an adequate household water supply could be connected to Porterville's municipal water system provided certain arrangements and projects are carried out by the Parties;

Whereas, Vandalia is a neighborhood located within Porterville, and some Vandalia residents lack adequate household water supply and these households could be connected to Porterville's municipal water system;

Whereas, the Parties have met and have discussed alternative plans and projects that would provide an emergency water supply from Porterville to some residents of East Porterville and Vandalia in an expeditious manner;

Whereas, to advance these projects, DWR has provided funding, as reflected in the agreement between DWR and Tulare attached as Exhibit 1, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the SWRCB has also provided funding for Well C1, as reflected in the agreement between the SWRCB and the County attached as Exhibit 2;

Whereas, the County and Porterville intend to execute an agreement, a draft of which is attached as Exhibit 3, that will connect Well C1 to Porterville's municipal water system and that will provide for an adequate household water supply for some residents of East Porterville; and

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner.

## **Understanding**

### **A. Description of Emergency Project and Long-Term Plan**

1. The purpose of this MOU is to set forth in writing the intentions of the Parties of how best to move forward with plans to complete an emergency water supply project (Project) to some residents in the East Porterville and Vandalia areas, which are represented in Exhibit 4. (Map showing East Porterville and Porterville). The goal of the Project is to provide an adequate household water supply to some of the residents and properties in these areas that do not have one presently, and to end the need of the Parties to provide temporary water supplies to those residents through tanks and bottles.

2. The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville that have dry wells and are adjacent to Porterville's existing municipal water distribution system. It is estimated that this phase will serve 40 properties with dry wells that are currently receiving temporary household water supplies.

3. The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 500 properties in East Porterville and in Vandalia that have dry wells or otherwise lack an adequate source of water and have not been connected by Phase 1. In order to complete Phase 2, the residents of these properties will likewise need to connect to Porterville's municipal water system.

4. As soon as possible, Porterville and DWR will undertake Phase 1 of the Project and connect the properties in East Porterville that are adjacent to Porterville's existing municipal water distribution system. These connections will be accomplished as described in Water Installation Diagram attached as Exhibit 5 and based on the cost estimate, which is attached as Exhibit 6. In order to make these connections, a property owner desiring to receive public water supply will need to execute the Extraterritorial Service Agreement, a sample of which is attached as Exhibit 7, and the SWRCB's Water Connection Agreement, a sample of which is attached as Exhibit 8. Necessary signatures and agreements with property owners will be sought through SWRCB's outreach carried out with the assistance of all Parties to this MOU.

5. The Parties intend that Well C1 will be used to provide the emergency water supply in Phase 2 to about 500 properties without adequate household water supplies. The Parties presently understand that there are about 423 properties in East Porterville and approximately 80 properties in Vandalia where connections may be needed to provide emergency water supplies.

6. The Parties have created a Technical Workgroup consisting of engineers and planners, which work cooperatively on the technical issues described in this MOU. Based on recommendations of the Technical Workgroup, the Parties intend to provide the emergency water supply contemplated by this MOU.

7. The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

8. The Parties intend to use best efforts to complete both phases of the Project by December 31, 2016. The completion date of the Long-Term Plan is dependent on the completion of the Feasibility Study carried out by Technical Workgroup and on Porterville and/or the County applying for and securing sufficient funding from the SWRCB or from other sources. The Parties desire to complete the Long-Term Plan as expeditiously as possible.

## **B. Project Contributions of the Parties**

9. Working in cooperation with the other Parties and the Technical Workgroup, DWR will prepare all environmental compliance for the Project, and design and construct the Project, both Phases 1 and 2. DWR will provide funding for Phases 1 and 2 of the Project through Emergency Drought Funding. DWR intends to serve as California Environmental Quality Act (CEQA) lead agency for the Long-Term Plan and will prepare any necessary CEQA documentation and any other necessary environmental review documents, unless the Feasibility Study recommends another lead agency.

10. SWRCB will provide the community outreach to assist in obtaining necessary property owner acceptance before proceeding with Project. SWRCB will also work with Porterville and/or County to secure funding of the Long-Term Plan. SWRCB will provide certain reviews and approvals for the permitting of the Project and the Long-Term Plan.

11. OES will coordinate all of the State's efforts under the Governor's Drought Task Force in the Project area and will be provided at no cost by Porterville up to 3,000,000 gallons of emergency water per month as needed as a result of this MOU and the agreement that Porterville and the County are in the process of considering for execution, a draft of which is attached as Exhibit 3, with regard to the Well C1.

12. Porterville will provide the needed water service to the residents of East Porterville without an adequate household water supply after they are connected to Porterville's municipal water system as described in the Project. The water service will be accomplished per the Extraterritorial Service Agreement, which requires that property owners served pay the monthly water bill. DWR is funding the residents' connection to the Project, and as a result, some of the normal connection fees will be waived provided that connection is made during Phase 1 or Phase 2. Porterville will install the water meters for each connection, which will be paid for by DWR.

13. The County intends to execute an agreement with Porterville that is consistent with this MOU and Exhibit 3, which will allow Well C1 to serve as a water supply for the Project. The County will inspect the work of the Project and the property connections at no cost to the residents.

14. The Parties to the MOU will cause the removal of all temporary water tanks from the properties upon completion of the Project and the appurtenances necessary for the receipt of municipal water service. The work for removing the water tanks will be carried out by the County under an agreement between the County and OES.

## **C. General Provisions**

15. The Parties intend to use their best efforts to carry out this MOU. This MOU is not a binding agreement, and is not intended to create contractual rights and remedies among the Parties. However, the Parties have entered into and intend to enter into certain binding agreements in the future necessary to develop and complete the Project and the Long-Term Plan.

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on December 31, 2016, unless extended by all of the Parties in writing.

[Signatures on following page]

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board

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California Office of Emergency Services

County of Tulare

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City of Porterville

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### List of Exhibits

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Emergency Project Feasibility Study



Amendment No. 1

To the East Porterville Water Supply Project

Memorandum of Understanding (MOU)

Regarding the Provisions of Emergency Water Supplies to East Porterville  
by the California Department of Water Resources (DWR), California Office of  
Emergency Service (OES), the State Water Resources Control Board (SWRCB),  
the County of Tulare (County), and City of Porterville (Porterville),  
which are collectively known as the "Parties"

This Amendment No.1 to the MOU is made this 7<sup>th</sup> day of November, 2016. As described below, this Amendment No.1 recognizes the MOU is still in effect, modifies certain sections of this MOU, and adds new sections to the MOU.

**Recitals**

Whereas, some residents living in an unincorporated area of Tulare County, commonly known as "East Porterville," have experienced loss of adequate water supply to their homes and properties as a result of severe drought conditions, which has caused significant hardship for the residents;

Whereas, Governor Edmund G. Brown Junior has directed all State agencies to assist these residents who are in need of water supplies with emergency and long-term assistance;

Whereas, the Parties to this MOU seek an emergency and long-term solution to the lack of adequate household water supply by developing and providing continuous water supplies to these residents;

Whereas, to advance these projects, DWR and the SWRCB have provided funding, as reflected in Exhibits 1 and 2, for a municipal well designated as "Well C1" located in Tulare County that ultimately could be used to supply water to these residents of East Porterville;

Whereas, the Parties have reached an understanding on how best to implement the project alternative that will provide an adequate household water supply to some residents of East Porterville and Vandalia, and alleviate the hardships in an expeditious, cost-effective manner:

Whereas, the purpose of this amendment is to clarify some sections of the MOU and to add several new sections.

NOW THEREFORE, IT IS MUTUALLY AGREED that the following changes are hereby made to the MOU:

1. Section A (2) is amended to read as follows:

The Parties intend to develop the Project in two phases. Phase 1 will make municipal water connections to the properties in East Porterville and Vandalia that have dry wells and/or water tanks. It is estimated that this phase will serve approximately 300 properties.

2. Section A (3) is amended to read as follows:

The Parties intend that Phase 2 of the Project will provide municipal water supply to approximately 800 properties in East Porterville by connecting them to the City of Porterville's water system. The total number of homes eligible for this Project is approximately 1,100.

3. Section A (5) is amended to read as follows:

The Parties intend that Well C1 will be used to provide the initial water supply. The Parties acknowledge the delay in Well C1 completion. To mitigate the effects of this on the residents of East Porterville, the City of Porterville will allow connections of homes as they become prepared for connection. These early connections will be beyond the initial 70 connections (previously 40 connections) agreed to, given the availability of capacity during the winter months. However, these additional connections to the City's water system will cease on March 1, 2017, if Well C1's connection to the City's water system is not completed by then.

4. Sections A (7) b-f shall be added and made part of this MOU:

7 (a). The Parties intend to develop a Long-Term Water System Plan (Long-Term Plan) for the East Porterville area, which will serve other residents in the area besides those served by the Project. The Parties intend that the Project will be designed consistent with the Long-Term Plan to ensure that all water facilities constructed as part of the Project will be incorporated into the facilities ultimately developed through the Long-Term Plan. The first work product produced by the Technical Workgroup will be a Feasibility Study for the Long-Term Plan. The outline of the Feasibility Study is attached as Exhibit 9.

(b). The East Porterville Water Supply Project Hydraulic Analysis Report ("Hydraulic Analysis Report," which is attached as Exhibit 10) determined that the water supply capacity required to serve all eligible residents of East Porterville is 1,435 gallons per minute (gpm). This capacity shall be based on the sustainable yield of the wells which is defined as 75 percent of the initial design capacity. Since Well C1 has a sustainable yield of 600 gpm, the Parties agree that the State will fund the construction and equipping of additional wells to provide the 835 gpm shortfall.

(c). Based on the Hydraulic Analysis, a 700,000 gallon water storage tank is required to serve the residents of East Porterville. However, based on Porterville's master plan recommendations, a 1.2 million-gallon storage tank is required for the City's buildout. The Parties therefore intend to construct a 1.2 million-gallon storage tank with cost sharing between the State and the City. The State will fund the cost of a 700,000 gallon tank required for the Project and the City of Porterville will fund the cost of the additional 500,000 gallons of storage required for the City's future use as contained in its master plan. The cost-sharing shall be proportional to the tank capacity being funded.

(d). The Parties intend to upgrade the existing Henderson-Plano Booster Pump Station and the Granite Hills Intertie which would facilitate water supply to the East Pressure Zone which serves East Porterville. The State will fund the construction of one booster pump rated at 2,100

gpm along with a variable frequency drive and the Granite Hills Intertie. The City will fund the replacement of its two existing pumps along with associated variable frequency drives as part of Phase 2 of the Project. These two pumps are more than 30-years old and their replacement will enable the City's water system to operate more efficiently and in a cost-saving manner.

(e). The Parties further agree that a booster pump station of capacity 1,670 gpm is required to convey water from the West Pressure Zone, where the new wells will be located, to the Central Pressure Zone for onward conveyance to East Porterville. The State will fund the construction of this booster pump station.

(f). Given that Well C1 has an estimated sustainable yield of 600 gpm, as well as a unit demand of 0.833 gpm per home connection based on the Hydraulic Analysis , Well C1 could effectively serve up to 720 households . The Parties agree that home connections for Phase 2 of the Project can begin as soon as Well C1 is connected to the City's water system, and the Henderson-Plano Booster Pump Station upgrade and the Granite Hills Intertie are completed. These home connections shall cease when the capacity of Well C1 is exceeded. Thereafter, additional home connections will be made after the construction of additional wells or if City staff determines that the water system can support additional home connections.

5. Section (C) 16 is amended to read as follows:

16. This MOU will become effective upon the signature of the all Parties. The MOU will terminate on June 30, 2018, unless extended by all Parties in writing.

6. The list of the Exhibits at the end of MOU is amended to read as follows:

1. DWR and Tulare County Executed Well C1 Agreement
2. SWRCB and County Executed Well C1 Agreement (Water Board Grant #D-15-11-902)
3. County and Porterville Draft Well Agreement
4. Map of East Porterville
5. Household Water Service Installation Diagram
6. Household Water Service Cost Estimate
7. Sample Extraterritorial Service Agreement
8. Sample SWRCB Water Connection Agreement
9. Draft Feasibility Study for the Long-Term Plan
10. East Porterville Water Supply Project Hydraulic Analysis Report

This MOU has been executed by:

California Department of Water Resources

State Water Resources Control Board



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California Office of Emergency Services

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County of Tulare

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City of Porterville

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EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

## State Water Resources Control Board

NOV 29 2017

The Honorable Milt Stowe  
Mayor of City of Porterville  
291 North Main Street  
Porterville, CA 93257

RECEIVED

DEC 04

CITY OF PORTERVILLE  
CITY MANAGER

Dear Mayor Stowe:

The Department of Water Resources and the State Water Resources Control Board are requesting an increase to the number of household connections from 720 to 800 to the City of Porterville (City) water system, prior to the completion of the East Porterville Emergency Water Supply Project – Phase 2 (Project). The construction of all facilities is estimated to be completed by June 2019.

According to Section A(7)(f) of Amendment No. 1 to the Project's Memorandum of Understanding (MOU), the estimated sustainable yield of Well C1 is 600 gallons per minute (gpm) and therefore will serve up to 720 households. Our current projections show that approximately 800 households will need to be connected by the end of 2017.

Our current plans are to drill two additional wells which would add more than 835 gpm of sustainable yield to the City's water supply, pending land acquisition by the City. Further, our calculations indicate that Well C1 is currently capable of producing 800 gpm in the interim, which can support a total of 960 households in the short term. It is our hope that the City will complete acquisition of the properties needed to drill the two additional wells in a timely manner to ensure that the City's water supply does not become stressed.

We look forward to hearing favorably from you and thank you for your continued support in providing safe drinking water to the residents of East Porterville.

Sincerely,



James Maughan, Assistant Deputy Director  
Division of Financial Assistance

cc: See next page

**DEPARTMENT OF WATER RESOURCES**

SOUTH CENTRAL REGION OFFICE  
3374 EAST SHIELDS AVENUE, ROOM 3  
FRESNO, CA 93726-6913



January 18, 2018

Mr. Michael K. Reed  
Public Works Director  
City of Porterville  
291 North Main Street  
Porterville, California 93257

RECEIVED

JAN 22 2018

City of Porterville  
Public Works Dept

Approval of Funding from Local Assistance Funds to the City of Porterville for the  
County Areas Water Supply Project

Dear Mr. Reed:

Your request for funds to accomplish the city of Porterville's scope of work to connect drought-impacted households in seven Tulare County areas bounded by the city has been approved. The approved funding is not to exceed the amount of \$2,812,946.00. The term of the funding is from January 18, 2018, to December 31, 2019.

The purpose of this funding is for the city of Porterville to effectuate the connection of the drought-impacted homes in seven county areas to the city's water distribution system. The project comprises water main extensions, home connections, and well destructions. These homes have been identified as having private residential wells, and the homeowners have voluntarily elected to join the project. As part of their election to participate in the project, the homeowners have consented to having their groundwater wells destroyed.

A grant agreement is being developed and will be sent to you for approval. You are allowed to start incurring costs from January 18, 2018. No reimbursement will be issued until the contract agreement is executed.

If you have any questions or need additional information regarding the agreement, please contact Steve Doe by email at [Steve.Doe@water.ca.gov](mailto:Steve.Doe@water.ca.gov) or by phone at (559) 230-3348.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Faulkenberry".

Kevin Faulkenberry, Chief  
South Central Region Office

## Executive Department

State of California

### EXECUTIVE ORDER B-40-17

**WHEREAS** California has endured a severe multi-year drought that has threatened the water supplies of communities and residents, devastated agricultural production in many areas, and harmed fish, animals and their environmental habitats; and

**WHEREAS** Californians responded to the drought by conserving water at unprecedented levels, reducing water use in communities by more than 22% between June 2015 and January 2017; and

**WHEREAS** the State Water Resources Control Board, the Department of Water Resources, the Department of Fish and Wildlife, the Office of Emergency Services, and many other state agencies worked cooperatively to manage and mitigate the effects of the drought on our communities, businesses, and the environment; and

**WHEREAS** the State provided 66,344,584 gallons of water to fill water tanks for communities suffering through drought-related water shortages, outages, or contamination, and provided emergency assistance to drill wells and connect communities to more robust water systems; and

**WHEREAS** the State took a number of important actions to preserve and protect fish and wildlife resources, including stream and species population monitoring, fish rescues and relocations, infrastructure improvements at trout and salmon hatcheries, and infrastructure to provide critical habitat for waterfowl and terrestrial animals; and

**WHEREAS** the State established a Statewide Water Efficiency and Enhancement Program for agricultural operations that provides financial assistance for the implementation of irrigation systems that save water; and

**WHEREAS** water content in California's mountain snowpack is 164 percent of the season average; and

**WHEREAS** Lake Oroville, the State Water Project's principal reservoir, is 101 percent of average, Lake Shasta, the federal Central Valley Project's largest reservoir, is at 110 percent of average, and the great majority of California's other major reservoirs are above normal storage levels; and

**WHEREAS** despite winter precipitation, the effects of the drought persist in areas of the Central Valley, including groundwater depletion and subsidence; and

**WHEREAS** our changing climate requires California to continue to adopt and adhere to permanent changes to use water more wisely and to prepare for more frequent and persistent periods of limited water supply; and



**WHEREAS** increasing long-term water conservation among Californians, improving water use efficiency within the State's communities and agricultural production, and strengthening local and regional drought planning are critical to California's resilience to drought and climate change.

**NOW, THEREFORE, I, EDMUND G. BROWN JR.**, Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, do hereby **TERMINATE THE JANUARY 17, 2014 DROUGHT STATE OF EMERGENCY** for all counties in California except the Counties of Fresno, Kings, Tulare, and Tuolumne.

**I FURTHER ORDER THAT:**

1. The orders and provisions contained in my April 25, 2014 Emergency Proclamation, as well as Executive Orders B-26-14, B-28-14, B-29-15, and B-36-15 are rescinded.
2. The orders and provisions contained in Executive Order B-37-16, **Making Water Conservation a California Way of Life**, remain in full force and effect except as modified by this Executive Order.
3. As required by the State Emergency Plan and Government Code section 8607(f), the Office of Emergency Services, in coordination with other state agencies, shall produce an after-action report detailing the State's response to the drought and any lessons learned in carrying out that response.

**MAINTAINING CONSERVATION AS A WAY OF LIFE**

4. The State Water Resources Control Board (Water Board) shall continue development of permanent prohibitions on wasteful water use and requirements for reporting water use by urban water agencies, and to provide a bridge to those permanent requirements, shall maintain the existing emergency regulations until they expire as provided by the Water Code. Permanent restrictions shall prohibit wasteful practices such as:
  - Hosing off sidewalks, driveways and other hardscapes;
  - Washing automobiles with hoses not equipped with a shut-off nozzle;
  - Using non-recirculated water in a fountain or other decorative water feature;
  - Watering lawns in a manner that causes runoff, or within 48 hours after measurable precipitation; and
  - Irrigating ornamental turf on public street medians.
5. The Water Board shall rescind those portions of its existing emergency regulations that require a water supply stress test or mandatory conservation standard for urban water agencies.

6. The Department of Water Resources (Department) shall continue work with the Water Board to develop standards that urban water suppliers will use to set new urban water use efficiency targets as directed by Executive Order B-37-16. Upon enactment of legislation, the Water Board shall adopt urban water use efficiency standards that include indoor use, outdoor use, and leaks as well as performance measures for commercial, industrial, and institutional water use. The Department shall provide technical assistance and urban landscape area data to urban water suppliers for determining efficient outdoor use.
7. The Water Board and the Department shall continue to direct actions to minimize water system leaks that waste large amounts of water. The Water Board, after funding projects to address health and safety, shall use loans from the Drinking Water State Revolving Fund to prioritize local projects that reduce leaks and other water system losses.
8. The Water Board and the Department shall continue to take actions to direct urban and agricultural water suppliers to accelerate their data collection, improve water system management, and prioritize capital projects to reduce water waste. The California Public Utilities Commission is requested to work with investor-owned water utilities to accelerate work to minimize leaks.
9. The Water Board is further directed to work with state agencies and water suppliers to identify mechanisms that would encourage and facilitate the adoption of rate structures and other pricing mechanisms that promote water conservation.
10. All state agencies shall continue response activities that may be needed to manage the lingering drought impacts to people and wildlife. State agencies shall increase efforts at building drought resiliency for the future, including evaluating lessons learned from this current drought, completing efforts to modernize our infrastructure for drought and water supply reliability, and shall take actions to improve monitoring of native fish and wildlife populations using innovative science and technology.

#### **CONTINUED DROUGHT RESPONSE IN FRESNO, KINGS, TULARE, AND TUOLUMNE COUNTIES**

11. The Water Board will continue to prioritize new and amended safe drinking water permits that enhance water supply and reliability for community water systems facing water shortages or that expand service connections to include existing residences facing water shortages.
12. The Department and the Water Board will accelerate funding for local water supply enhancement projects and will continue to explore if any existing unspent funds can be repurposed to enable near-term water conservation projects.
13. The Water Board will continue to work with local agencies to identify communities that may run out of drinking water, and will provide technical and financial assistance to help these communities address drinking water



shortages. It will also identify emergency interconnections that exist among the State's public water systems that can help these threatened communities. The Department, the Water Board, the Office of Emergency Services, and the Office of Planning and Research will work with local agencies in implementing solutions to those water shortages.

14. For actions taken in the Counties of Fresno, Kings, Tulare, and Tuolumne pursuant to directives 11–13, the provisions of the Government Code and the Public Contract Code applicable to state contracts, including, but not limited to, advertising and competitive bidding requirements, as well as Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division, are hereby suspended. These suspensions apply to any actions taken by state agencies, and for actions taken by local agencies where the state agency with primary responsibility for implementing the directive concurs that local action is required, as well as for any necessary permits or approvals required to complete these actions.
15. California Disaster Assistance Act Funding is authorized until June 30, 2017 to provide emergency water to individuals and households who are currently enrolled in the emergency water tank program.
16. State departments shall commence all drought remediation projects in Fresno, Kings, Tulare, and Tuolumne Counties within one year of the date of this Executive Order.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 7th day of April 2017.

  
EDMUND G. BROWN JR.  
Governor of California

**ATTEST:**

\_\_\_\_\_  
ALEX PADILLA  
Secretary of State

